



THE
HISTORY
OF THE
UNITED STATES OF AMERICA.

BY RICHARD HILDRETH.

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HISTORY

OF THE UNITED STATES OF AMERICA

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ADVERTISEMENT.

OF centennial sermons and Fourth-of-July orations, whether professedly such or in the guise of history, there are more than enough. It is due to our fathers and ourselves, it is due to truth and philosophy, to present for once, on the historic stage, the founders of our American nation unbedaubed with patriotic rouge, wrapped up in no fine-spun cloaks of excuses and apology, without stilts, buskins, tinsel, or bedizzenment, in their own proper persons, often rude, hard, narrow, superstitious, and mistaken, but always earnest, downright, manly, and sincere. The result of their labors is eulogy enough; their best apology is to tell their story exactly as it was.

We have accordingly, in this book, an attempt to set forth the personages of our colonial and revolutionary history, such as they really were in their own day and generation, living and breathing men, their faults as well as their virtues, their weaknesses as well as their strength—for to know men, we must know them in both aspects; an endeavor to trace our institutions, religious, social, and political, from their embryo state; to show, in fine, from what beginnings, by what influen-

ces, and through what changes the United States of America are what they are.

For facts, recourse has been had to the original authorities, particularly laws, state papers, public documents, and official records, printed and manuscript. Free use has also been made of the numerous valuable collections of letters and memoirs relating especially to the Revolution, published within the last twenty-five years. It has not been thought necessary to distract the reader's attention, and to increase the size and cost of the book, by a parade of references; but, for the benefit of those curious in such matters, and especially of such young students as may wish to investigate our history in its original sources, a list of the printed books chiefly used is placed at the end of the third volume. In all cases of citations from statutes, which are very numerous, public records, letters, and generally from memoirs and histories, the dates in the margin will furnish a guide to those who may desire to verify the quotations.

To combine a mass of materials, generally dry, sometimes defective, and sometimes contradictory, embracing a multiplicity of petty details concerning numerous independent communities, into an harmonious, well-proportioned whole, all the parts of which shall illustrate each other, and, preserving the necessary brevity, to convey to the reader a distinct idea of the persons, facts, and bearings of our history, in narrative somewhat picturesque and life-like, is a task so difficult, that in the pres-

ent defective state of our historical literature even a distant approach to it can hardly fail to be acceptable.

No other work on American history, except mere compends and abridgments, embraces the same extent of time; none comprehends the same circuit of inquiry, or has any thing like the same plan and objects. Nowhere else can be found in the same distinct completeness the curious and instructive story of New England theocracy, the financial, economical, and political history of the colonies and the Revolution, the origin and shaping of our existing laws and institutions, state and national, the progressive, social, and intellectual development of our people.

The foundation thus laid, it is intended in two more volumes to sketch the story even to the present times.

Boston, Jan. 1, 1849.

A very careful revision of these three volumes has resulted in numerous corrections, as well as to facts as phraseology. Some new facts have also been added, derived chiefly from recently-published works, the titles of which have been subjoined to the list of authorities. Brodhead's *History of New York*, and Bancroft's new volumes—fruits, at least in part, of laborious and protracted researches on the part of their accomplished authors among European colonial records—deserve to be specially mentioned.

These three volumes, thus revised, present, I believe, a pretty correct outline, so far as existing materials admit, of the history of British America for a period of nearly three centuries, down to the organization of the political system of the United States on its existing basis of the Federal Constitution. Through the first following generation, and down to the year 1821, the narrative has been continued in a Second Series of three volumes, already published.

The undress portraits I have presented of our colonial progenitors, though made up chiefly of traits delineated by themselves; my presumption in bursting the thin, shining bubble so assiduously blown up by so many windy mouths, of a colonial golden age of fabulous purity and virtue, have given very serious offense, especially in New England, region of set formality and hereditary grimace, where a careful editorial toning down, to prepare them for being printed, of the letters of even so cautious a person as Washington, has been thought to be demanded alike by decorum toward him, and by propriety toward the public.

Yet my reception, on the part of less critical readers, as well in New England as beyond it, has been such as to afford me very gratifying proof, in the face of croaking prophecies of feeble-minded or faint-hearted friends, that, unsustained by any party, sect, or class interest; independent of every body; worshipping neither the setting, the mid-day, nor the rising sun; too proud to bask in the

sunshine of national vanity, however large and respectable the company to be found there; too much an admirer of artistic unity, as well as too sturdy a patriot, to overlay and belittle our simple annals by any gaudy fringes borrowed from the history of Europe; content to let our own performers act out our own drama, on our own stage, uneclipsed by stars dragged in from abroad; detesting all kinds of cant, especially the so fashionable twin cants of a spasmodic, wordy rhetoric and a transcendental philosophy; despising all fripperies and clap-traps; relating plain facts in plain English; with no interest but justice, and no aim but truth—an American, writing for Americans, may hope to find among his countrymen, especially the younger part of them (little credit as we have abroad for philosophical introspection or simplicity of taste), sympathizing and appreciating readers.

Indeed, I am encouraged to entertain the idea of bringing down my narrative of American affairs, in a Third Series of two additional volumes, to the end of the presidential term which has just closed—no doubt, a difficult and delicate undertaking. Yet the extreme publicity of all our political transactions, and the speedy disclosure among us of all political secrets, afford many facilities not elsewhere to be had for the writing of cotemporary history; while, by keeping aloof from all personal party strifes, and by rising above the mere temporary interests of the moment, a position may

be reached sufficiently elevated for obtaining a pretty correct idea of the real proportions and actual relations of events, and, by retrospect over the recent past, facilitating something of forecast as to the more immediate future.

Boston, March 6, 1853.

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HISTORY OF THE UNITED STATES.

CHAPTER I.

VOYAGES OF DISCOVERY. TERRITORIAL CLAIMS.

WHEN Columbus undertook his first voyage across the Atlantic, the passage to India by the Cape of Good Hope was as yet unknown. The fabulous wealth of the regions of the East, especially as set forth by the Venetian Marco Polo, fired the bold imagination of that great navigator, sustained his hopes, and prompted his persevering efforts. In the newly-invented astrolabe, the predecessor of the quadrant, he possessed an instrument to ascertain his latitude, and in the compass, a guide across the sea. With scientific heroism, relying on the theory of the earth's rotundity, while the prevailing under-estimate as to its size diminished to his ardent mind the dangers of an untried voyage—first of men, he dared to hope to reach Asia by a western passage. He thought he had done so; the new lands he had found he called the WEST INDIES; and he zealously persisted, and died in the belief, that those new lands were a part of Cathay, or Farther India.

Amerigo Vespucci, following presently in the track of Columbus, seems first to have perceived in those western regions a NEW WORLD. As such he early described it in his famous letter to Lorenzo de Medici; to which remarkable announcement, adding, as it did,

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I
a fourth quarter to the globe, and soon confirmed by subsequent discoveries, ought we not to ascribe the name AMERICA—not, as Spanish historians jealous for the fame of Columbus would have it, to an alleged successful fraud on the part of Vespucci, in passing himself off as having first seen the western continent ?

That continent, in fact, was first seen neither by Columbus nor Vespucci. It has even been conjectured, on the strength of an old Icelandic ballad, that, five centuries before the time of those great navigators, the North American coasts were reached by Danish adventurers from Iceland. Greenland they certainly discovered and colonized ; but their alleged visit to North America, though not without warm advocates, rests on evidence of too mythic a character to find a place in authentic history. To the Cabots, at the head of an English expedition, the historical honor belongs of having, first of Europeans, seen the main land of the western continent.

England at that period was a feudal monarchy, with a population of hardly three millions, without trade or manufactures, just emerging from the miseries of a disputed succession and a long civil war. Scotland, unquiet and barbarous, constituted a separate and often hostile kingdom. Ireland, equally barbarous and unquiet, was kept, with difficulty, in partial subjection. Henry VII., who united in himself and his queen the rival claims of the two royal houses of York and Lancaster, eager for revenue, and anxious, like all the monarchs of that day, to create a counterbalance to the power of the feudal nobility, was disposed to encourage the long-neglected arts of peace. But that talent for nautical and commercial enterprise for which the English and their descendants in America have since been so distinguished, as yet lay dormant. The trade and navigation of the British Isles

still remained, as during the whole course of the Middle Ages, principally in the hands of Italians and Germans from the Lombard cities and the Hanse towns. CHAPTER
I.

Portugal and Spain, pioneers in voyages of discovery, vainly attempted, by means of a papal bull, to secure to themselves a monopoly of oceanic navigation. Cupidity and curiosity were excited in all the maritime countries of Europe by the announcement that Columbus had found extensive, populous, and gold-producing regions in the western seas. Among those who shared this feeling was John Cabot, by birth a Venetian, but long settled at Bristol, the principal port in the west of England, and, next to London, the chief mart of British commerce. The northwestern ocean, as far as Iceland, was already familiar to the mariners of Bristol, accustomed to sail thither on fishing enterprises. 1493.

Notwithstanding the papal bull above mentioned, Cabot obtained from the King of England a commission, in its general outline much resembling that granted by Ferdinand and Isabella to Columbus; but the English monarch, unlike his Spanish cotemporaries, did not bear the expenses of the voyage. Cabot himself, or any of his three sons, their heirs or deputies, were authorized to sail into the eastern, northern, or western seas with a fleet of five ships, and, at their own expense, to search for islands or regions inhabited by infidels, and hitherto unknown to Christendom; to take possession in the name of the King of England, and, as his vassals, to conquer, possess, and occupy; enjoying for themselves, their heirs, and assigns forever, the sole right of trading thither; paying to the king, in lieu of all customs and imposts, a fifth of all net profits. 1496.
March 5.

Provided with this comprehensive though questionable title to the lands he might discover, John Cabot present-

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 ly set sail, attended by his son Sebastian, a native of Bristol, a young man hardly twenty, but enterprising, energetic, and well skilled in the science of navigation. This remarkable voyage, of which no memoir exists, has been often confounded with one made the year after, under the sole command of Sebastian Cabot. Uninformed as to particulars, we only know that, more than a year before Columbus saw the main land of America, and a month or two at least before the earliest alleged arrival of Amerigo on the coast of Paria, the Cabots reached the

1497. western continent, somewhere probably on the coast of
 June 24. Labrador. This new found land abounded with white bears and deer of unusual size—indications of an arctic region. It was inhabited by savage men, clothed in skins, and armed with bows, spears, and clubs.

1498. Having returned to Bristol, John Cabot was author-
 Feb. 3. ized, by a second patent, to take at his pleasure, for the purpose of prosecuting his discoveries, five or six ships, of two hundred tons burden or less, any where in England or its dependencies, paying therefor, as the king would in like case. He was also authorized, by a dispensation of the statute of fugitives, to transport to the new found land any who might be willing to go with him.

May. The youthful Sebastian Cabot was soon placed at the head of a new voyage, as well for purposes of trade as of discovery, in which the king and several merchants of London and Bristol took shares. He set sail with several ships, reached again the new found land, and, turning south, ran many degrees of latitude along the coast, till failure of provisions obliged his return to England. Such is all that we know of this second voyage to North America.

The very month in which Sebastian Cabot left England, Vasco de Gama, in prosecution of a scheme of

African discovery carried on by the Portuguese for half a century, having doubled, for the first time, the Cape of Good Hope, reached Calicut, in India. Thus was opened to Europe, by a new route, the Indian Ocean, and the vast territories of Farther Asia, for which Columbus, then on his third voyage, was still vainly seeking along the southern shores of the Caribbean Sea. CHAPTER
I

Cabot found no populous regions, like De Gama ; no pearls, nor gold, nor other precious commodities, like Columbus. The new found lands of the north, unlike those of the East and West Indies, appeared cold, sterile, unpeopled, and worthless. Yet they were not without their treasures. The vast shoals of cod on the shallows of the adjacent ocean attracted the attention, if not of the Cabots, at least of other voyagers, English and French, who followed close in their track ; and this discovery led at once to the establishment of a regular fishery, continued from that day to this. Within two years after Sebastian Cabot's voyage, some natives of the country were brought to London and publicly exhibited there. This fishery on the coast and bank of NEWFOUNDLAND formed the first link between Europe and North America, and, for a century, almost the only one. 1500.

It was held in those times, among the Christian states of Europe, and is still received as a principle of the law of nations, that newly-discovered countries belong to the discoverers. This title by discovery might be liable, indeed, to some exception in favor of the native inhabitants ; but, in case those inhabitants were not Christians, they were looked upon as fair subjects for plunder and conquest, the exclusive privilege of which was attached to the discovery. In conformity with this doctrine, and in right of the discovery by the Cabots, the English subsequently put forward a claim to extensive regions of

CHAPTER I
North America, a part of which they ultimately colonized. But this colonization, necessary to complete the title by discovery, was a long time delayed; and more than eighty years elapsed before the English made any very vigorous or notable attempt to take permanent possession of any part of America. The exploration of the coast was meanwhile pursued by other nations.

1501. Not content with his recent discovery of the circumnavigability of Africa, and the rich coasts of the Indian seas, the able and enterprising Emanuel, king of Portugal, sent Gaspar Cortereal with two vessels to pursue the track of the Cabots, and to explore the northwestern ocean. Cortereal sailed six or seven hundred miles along the shores of North America. He admired the stately forests, the pines especially, well suited for yards and masts; but he found nothing with which to freight his vessels except a number of unhappy natives kidnapped and carried to Portugal as slaves. This practice of kidnapping had grown familiar to the Portuguese in their voyages for the last half century along the coasts of Africa. Negro slaves were already common in Portugal, but the natives of America were not found so suitable for servitude.

Already, before the sailing of Cortereal, though the fact was not yet known in Portugal, Cabral, another Portuguese navigator, keeping far west on his passage to India, to avoid the calms common on the African coast, had lighted by accident on the coast of Brazil, so called from the red dye-wood which formed for a long time its principal export. Satisfied with this discovery, and engrossed by their Asiatic and African conquests, the Portuguese resigned the exploration of the north to the obscure enterprises of humble fishermen, not-English only or chiefly, but hardy mariners also of Biscay in

Spain, and of Brittany and Normandy, the northwestern provinces of France.

It was by fishermen from Brittany that the island of CAPE BRETON was discovered and named. Even at that early period Dennys of Harfleur drew for the use of the French fishermen a rude chart of the Gulf of St. Lawrence, though unknown as yet by that name. 1504. 1506.

The Spanish navigators who followed in the track of Columbus, confined themselves for some twenty years to the exploration of the West India Islands, and the coasts of the Caribbean Sea. The colony which Columbus had himself established on the island of Haiti—oldest of European settlements in America—was presently followed by others at Porto Rico, Jamaica, and Cuba. The unhappy natives of those islands—a timid and unwarlike race—reduced to slavery and apportioned among the principal adventurers, were compelled to hunt for gold dust in the channels of the streams, or to cultivate the sugarcane carried thither from the Canaries and the south of Spain. The large fortunes thus realized attracted to those islands a great number of adventurers, by whom new enterprises of discovery were soon undertaken. 1493. 1508–11.

Juan Ponce de Leon, a companion of Columbus, the conqueror and first Spanish governor of Porto Rico, enriched by the forced labor of the unhappy natives of that island, expended a portion of the wealth thus acquired in a voyage among the Bahamas, in search of a fountain fabled to have the power to make young again all those who bathed in its waters. The vague hopes of adventurers, whose chief reading had been the romances of chivalry, gave rise, indeed, to a thousand chimerical expectations. Even Columbus himself had been the perpetual dupe of a lively imagination; for the Indians were ever ready to corroborate, and to repeat as a part of their

CHAPTER I
 own traditions or knowledge, fables suggested by the credulous questions of their conquerors. In course of his romantic search, on Palm Sunday, which the Spaniards call *Pasqua de Flores*, Ponce fell in with that peninsula which separates the Gulf of Mexico from the Atlantic Ocean, and which he took for another great island like Haiti or Cuba. He landed at no great distance, probably, from the harbor of St. Augustine; and disregarding alike the rights and the hostility of the natives, with the formalities usual on such occasions, took possession for the King of Spain; and, to commemorate the day of the discovery, gave to this new region the name of FLORIDA.

Adventurers of that period did not conceive themselves authorized to undertake enterprises of conquest, except by some royal commission, and Ponce proceeded to Spain to procure such authority. During his protracted absence, Vasquez de Aillon, another Spanish navigator, visited the coast further north, the region, perhaps, about St. Helena's Sound, in what is now South Carolina. He also proceeded to Spain, and procured there a grant of this newly-discovered region, by the name of CHICORA.

The discovery and conquest, by Cortez and his followers, of the rich and populous kingdom of Mexico, then just completed, had excited anew the Spanish imagination. Ponce presently returned to Florida with the design of planting a colony, or, more properly, of conquering a province. But hardly had the crews of his two ships landed, when the natives attacked them with poisoned arrows, killed the greater part, and obliged the rest to re-embark.

1525. Equally unsuccessful was the attempt of Vasquez to obtain possession of his province of Chicora. The Indians, whose friends he had kidnapped on his former visit, remembered the injury, and repulsed him with loss.

Other Spanish navigators, in the regular intercourse

now established between the West India Islands and the newly-conquered Mexico, discovered land to the northward, and soon ascertained the general outline of the Mexican Gulf. On the southwestern coast of that gulf some Spanish settlements were already established—the first on the continent—to serve as harbors for the Mexican empire. CHAPTER
I

The nautical skill of Sebastian Cabot, for which England furnished no occupation, had sought employment in the Spanish service; but, during the period of these recent Spanish discoveries, Cabot appears to have returned to England, and to have undertaken a new enterprise, not without an important influence on the future exploration of North America. The wealth derived by the Portuguese from the trade to India was fast making Lisbon the richest city in Europe. The voyage by the Cape of Good Hope, besides being claimed as a monopoly by the Portuguese, was also very long; and hence the revival of the scheme of Columbus for a western passage to India. The outline of the American coast along the Atlantic was as yet very imperfectly known. The New World was perhaps a series of islands, among which a western passage might be found. The discovery of the South Sea by Nunez de Balboa, who had penetrated across the Isthmus of Darien, demonstrated the narrowness of the continent in that part, and encouraged these hopes. In pursuit of such a passage, Cabot sailed from England. The date of this voyage is uncertain, and the accounts of it contradictory and obscure; but he seems to have penetrated into that great northern bay, which Hudson re-discovered near a century afterward, where his course was cut short, neither by land nor ice, but by the cowardice and disobedience of one of his subordinate officers. The English were not prepared to follow up this

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 enterprise, and Cabot, returning to the service of Spain, found employment in exploring the La Plata, discovered by Juan de Solis the same year in which Ponce had first seen Florida.

A western passage to India was in fact discovered, though not in the direction in which Cabot had sought it. The adventurous Magellan, keeping boldly to the south, entered the straits which bear his name, and by that stormy and dangerous passage penetrated into the South Pacific, across which he boldly steered for India. He died on the voyage; but his ship, after discovering the Philippine Islands, returned to Spain by the Cape of Good Hope, thus realizing the bold vision of Columbus, and completing the first circumnavigation of the globe. But the southwestern passage to India by the Straits of Magellan, besides being claimed as a Spanish monopoly, was still longer and more dangerous than that by the Cape of Good Hope. A western or northwestern passage still remained, therefore, a problem for navigators, and an object of commercial desire and pursuit.

The great wealth derived by the Spaniards from the conquest of Mexico attracted new attention to America. Verrazzani, a Florentine, dispatched from France on the first voyage of discovery undertaken from that country at the public expense, after touching at several places further south, discovered and entered the harbors now so familiar as New York and Newport, whence he coasted the then nameless shores of New England and Nova Scotia as far as the 50th degree of north latitude. Verrazzani's letter to Francis I., giving a brief narrative of this voyage, contains the earliest description extant of the coasts and aboriginal people of what are now the United States.

The inhabitants of the north of Italy, especially the

Genoese, the Venetians, and the Florentines, were at this period the most commercial, industrious, and enlightened people in Europe, and, except perhaps the Portuguese, the best versed in the science and art of navigation. Of the navigators who first explored the shores of the New World, Columbus, the elder Cabot, Amerigo, and Verrazzani were Italians. But Genoa and Florence had lost their liberties, and were sinking in a rapid decline; Venice, become a close aristocracy, was employing all her energies in attempting to shield her commerce with India by the ancient route of Egypt and the Red Sea against the effects of Portuguese competition by the new passage round the Cape of Good Hope. The eminent navigators above named were not employed by their native cities. They sailed in the service of foreign princes. Spain, Portugal, England, and France profited by the science of Italy, and acquired vast possessions in America, where no Italian state ever possessed a foot of territory.

Whether Verrazzani undertook a second voyage is uncertain; but his track was immediately followed by Gomez, dispatched by the Spanish council of the Indies, it would seem, as a sort of rival to Cabot, in search of a western or northwestern passage into the Pacific, which Gomez had already traversed, as the companion of Magellan, in the first circumnavigation of the globe. His present voyage degenerated, like that of Cortereal a quarter of a century before, into a mere kidnapping expedition, a practice already familiar to the Spaniards of the West Indies, who sought by this means to fill up the gap which their inexorable avarice occasioned in the once numerous population of Haiti and the adjacent islands. This resource, however, was found quite insufficient, and slaves from Africa, more capable of endurance, already began to be imported into the West Indies. Las Casas,

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 the friend and protector of the Indians, had suggested and favored this substitute—a suggestion which the colonists were prompt to seize, and which the benevolent bishop lived to condemn and lament. The system of personal servitude was fast disappearing from Western Europe, where the idea had obtained that it was inconsistent with Christian duty for Christians to hold Christians as slaves. But this charity did not extend to heathen and infidels. The same system of morality which held the possessions of unbelievers as lawful spoils of war, delivered over their persons also to the condition of servitude. Hence, in America, the slavery of the Indians, and presently of negroes, whom experience proved to be much more capable of enduring the hardships of that condition.

The exploration of Florida hitherto had been limited to the coast; Pamphilo de Narvaez was first to penetrate inland. Narvaez had taken an active part in the conquest of Cuba, and subsequently had been dispatched by the governor of that island to dispute with Cortez the conquest of Mexico, but on that occasion had fallen a prisoner into the hands of his abler rival. Setting sail
 1528. from Cuba in search of a new Mexico, he landed with three hundred men on the northern shore of the gulf, near the Bay of Appalache. After wandering inland for some distance, and finding nothing satisfactory, he turned westward, and struggled on through pine forests and morasses, and across rivers, as far, perhaps, as the Bay of Pensacola. Discouraged and greatly reduced in numbers, his company built small boats, in which they hoped to reach some Spanish settlement; but the boats were driven on shore in a storm, and four men only of the whole company succeeded at last, after long wanderings, in reaching Mexico by land.

While the Spaniards were engrossed with the conquest

of Peru, Jaques Cartier, a mariner of St. Malo, was dispatched by Chabot, admiral of France, on the humbler but more just and honorable errand of exploring those northern coasts of the New World already familiar to the French fishermen. Setting sail with two ships, Cartier made the coast of Newfoundland in twenty days, and, having nearly circumnavigated that island, crossed the yet nameless Gulf of St. Lawrence, and entered a bay which he named *Des Chaleurs*, from the heats of midsummer then prevailing. Tracing the coast to the north, he discovered and named the Bay of *Gaspè*, and took possession of the adjacent country for the King of France. A great estuary opened before him, which he ascended till he could see land on both sides; but, as winter was approaching, he turned about, and in thirty days reached St. Malo, carrying with him two of the natives. The report of this voyage produced quite an excitement in France, and Cartier was fitted out the next spring with three large ships and a number of colonists. As he passed to the northward of Anticosti on the day of *St. Lawrence*, he gave the name of that saint to the water through which he was sailing—a name gradually extended to the whole gulf and to the great river flowing into it. Up that river or estuary Cartier ascended till he reached a fertile island full of vines, which he called the Isle of Bacchus, now *Orleans*. The two natives brought back served as interpreters. He was hospitably entertained by a chief of that neighborhood, and, by his invitation, ascended in boats to a considerable village on the island of Hochalaga. To a hill on that island Cartier gave the name *Mont Real*, now borne by the whole island and the city built upon it. He returned to his ships and spent the winter at the Isle of Bacchus, where his people suffered much from the scurvy. They found relief from a

CHAPTER
I.

1534.

1535.

CHAPTER I
 decoction of pine buds, recommended by the Indians ; but the sickness, the cold, and the long winter seem to have discouraged the intended colonists. In the spring they all returned ; and so narrow at that time were the current notions of justice and humanity, that Cartier did not hesitate to kidnap the Indian chief from whom he had received so many favors.

That same year a merchant of London, named Hore, a man of some scientific acquirements, attempted a settlement in Newfoundland—an enterprise in which he was joined by some young adventurers of family and character. But this first attempt at English colonization in America proved very disastrous. The adventurers only saved themselves from starvation by seizing a French fishing vessel which had just arrived on the coast well victualed, in which they escaped to England.

The idea in France of colonizing the coasts of the St. Lawrence, though somewhat damped by the result of Cartier's second voyage, was not yet abandoned. Francis de la Roque, lord of Robertval, in Picardy, obtained from Francis I. the appointment of viceroy and lieutenant general for Canada, Hochalaga, Saguenay, Newfoundland, Belle Isle, Cape Breton, and Labrador, with authority to make conquests and to plant a colony. Cartier also received a commission as chief pilot and captain general. To obtain men for the enterprise, authority was given to ransack the prisons—hopeful materials for the foundation of a state ! The two commanders could not agree, and did not act in concert. Cartier sailed first with five ships, ascended the St. Lawrence, and built a fort on the Island of Orleans, where he passed the winter. His provisions failed ; the natives, disgusted at his former treacherous conduct, were now hostile ; and, when the spring opened, he set sail for France. Off

Newfoundland he encountered Robertval on his outward passage, with three ships and two hundred men. Robertval would have persuaded or compelled him to return; but Cartier escaped in the night, and kept on his homeward course. Robertval proceeded to the St. Lawrence, where he spent the winter, but in the spring returned to France. Several years later he embarked on a second expedition, but was never again heard of. The discoveries of the French fishermen, but more especially the explorations of Verrazzani and Cartier, served as foundation for a claim by France to the northern portion of the American continent. 1549.

While the French were thus vainly attempting the occupation of the St. Lawrence, the Spaniards made another effort, not less vain, for the possession of Florida. This enterprise was undertaken by Ferdinand de Soto, who had distinguished and enriched himself in the recent conquest of Peru. He had been appointed by Charles V. governor of Cuba, and had obtained also a grant of Florida, in the interior of which he hoped to find and to plunder populous and wealthy nations. For an expedition thither, he collected, in Spain and the West Indies, an army of a thousand men, horse and foot, a force more formidable than that which Cortez had led to the conquest of Mexico. While his late companions in Peru were subduing Chili on the one side and New Granada on the other, and exploring the great southern rivers, the Orinoco and the Amazons, De Soto sailed from Havana, and landed at Tampa Bay, on the west side of the peninsula of Florida, whence he penetrated into the interior, first northerly, and then to the westward. He fought several battles with the natives, toward whom he acted with all the customary arrogance and cruelty of the adventurers of that day; but he nowhere found that rich and populous country for which he was in search. Push- 1539. May.

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ing still to the westward, he seems to have passed along the southern sweep of the Alleghanies, and across the heads of the rivers flowing into the Gulf of Mexico, till, at the end of two years, he reached the banks of the Mississippi, at no great distance, it is probable, from the southern boundary of the present State of Tennessee. Keeping still to the west, he reached the mountains of Arkansas, and passed the winter on some river of that region, down which he descended the next spring to its junction with the Mississippi. Here De Soto died. The remnant of his followers, greatly reduced by fatigue, hunger, and combats with the natives, built small vessels, floated down the Mississippi to its mouth, and, coasting the gulf, landed at last at a Spanish settlement near the present site of Tampico.

1540 - 42. While De Soto was engaged in this exploration, a not less adventurous expedition was undertaken to regions still more interior and remote. By the orders of Mendoza, viceroy of Mexico, Vasquez Coronado, with a force of three hundred and fifty Spaniards and eight hundred Indians, set out from Culiacan, on the southeastern shore of the Gulf of California, then the northwestern limit of Spanish Mexican conquest, whence he penetrated north along the shores of the gulf to the River Gila, now the southwestern boundary of the United States. That river he followed to its head, and, crossing the mountains, reached the upper waters of the Rio del Norte, which he followed also to their sources, and then struck off northeasterly into the great interior desert as far as the 40th degree of north latitude. In all this vast region, little was found save rugged mountains and arid plains. There were Indian villages in some of the valleys, but little to tempt or reward a conquest.

Already the peninsula of California had been discovered, and the shores of the gulf partially explored, through the

enterprise and at the expense of Cortez, the conqueror of Mexico. Simultaneously with the expedition under Coronado, Francisco Alarçon was sent to trace the Pacific coast to the north, in hopes to find an imagined gulf or strait leading into the Atlantic. He reached no higher than the 36th degree of north latitude; Rodriguez de Cabrillo, sent to renew the enterprise, traced the coast as far north as the 44th degree. 1542.

Soto's disasters and Coronado's want of success dissipated the delusions of the Spaniards, so far, at least, as North America was concerned. The undiscovered land of gold changed its site, and, under the name of El Dorado, was thenceforth located in South America, on the banks of the Orinoco, amid the impenetrable forests and mountains of Guiana. The Indians on the northern shores of the Gulf of Mexico, made hostile by slaving expeditions, repulsed the Dominican friars who attempted to establish missions among them. The spirit which, since the voyages of Columbus, had carried the Spaniards, in the course of half a century, through such a course of discovery and conquest, began now to decline. Soto's discoveries were not prosecuted, and a hundred and thirty years elapsed before the Mississippi was again visited by white men. The country on the Upper del Norte, as we shall presently see, was conquered and colonized at a much earlier period. 1549.

In virtue of the discovery of Columbus, backed by a grant from the pope and a treaty of partition with Portugal, the Spanish court made a general claim to the whole continent of America, Brazil only excepted. Upon the discoveries of Ponce de Leon, Vasquez, Narvaez, De Soto, and others, they founded more particularly their claim to Florida, under which name they included an indefinite extent of the Atlantic coast of North America.

CHAPTER II.

ASPECT AND ABORIGINAL INHABITANTS OF NORTH
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WITHIN the first half century after the discovery of America, the Spaniards had overrun and occupied no inconsiderable portion of the new continent, on both sides of the equator. The original Spanish colonies, planted in the four great islands of the West Indies, in consequence of the extermination of the native inhabitants were now in a declining state; but the conquered empires of Mexico and Peru, of Guatemala, New Granada, and Chili, and the vast treasures of silver derived from the recently-discovered mines of Potosi, and others in Mexico, gave America every day a new importance in the eyes of Europe. Nor had Portugal neglected her Brazilian territories. A series of colonies had been established along that coast, and the city of Bahia, or San Salvador, had been founded as the capital of the Portuguese settlements.

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These splendid enterprises and lucrative conquests had thrown North America quite into the shade. The fishery of Newfoundland still continued the only connecting link between that country and Europe. But the growing importance of that fishery was attested by an act of 1543. the English Parliament, of which the object was to protect the fishermen against the exactions of the Admiralty officers. These fishermen, French, Portuguese, Spanish, and English, whose principal resorts were the southeastern bays and harbors of that great island to which the name of Newfoundland began now to be confined, built temporary huts on the shore for the convenience

of their business, and stages for drying their fish; but nowhere north of the Gulf of Mexico had any successful attempt been made at permanent occupation. CHAPTER
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That distant region presented, on the whole, an aspect little inviting. In more southern latitudes, the coast, for a great extent destitute of harbors, was a dead level, but little elevated above the ocean, and swept, in spring and autumn, by terrible storms. The winters, even in the parallels of Spain and Italy, were exceedingly tedious and severe; the summers, on the other hand, were excessively hot; and the climate was every where remarkable, at all seasons, for frequent changes and extreme vicissitudes unknown in Western Europe. The northern coasts abounded with excellent harbors; the land was higher; even mountains, in some places, might dimly be seen in the distance; but of the interior no explorations had been made. Except the region of Newfoundland, the North American coast was seldom visited. Even the outline of the shores was not yet ascertained. As to the breadth or configuration of the continent, nothing was known. The narrowness of the land between the Gulf of Mexico and the Pacific still kept up the idea that North America might be a long and narrow extent of coasts, perhaps a succession of islands, among which it was still hoped that a short western passage to India might be found.

At the period of European discovery, this vast and unknown country, lying as yet in a state of nature, hardly modified at all by the hand of man, was thinly inhabited by a peculiar race known to Europeans under the general name of INDIANS—a name which still commemorates the error of Columbus in mistaking America for a part of India.

Presenting human society under its simplest and most

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inartificial forms, these aboriginal inhabitants were divided into a great number of petty tribes, dwelling together in little villages of huts made with the boughs of trees, and covered with mats ingeniously woven. These villages, by way of defense, were sometimes surrounded by a rude palisade of trees or brushwood, or placed on some little islet in the midst of a morass. For convenience of fishing, they were often built on inlets of the sea, or near the falls of some river. Each village had chiefs of its own, who were often hereditary. The petty tribes were generally united into confederacies of greater or less extent, with superior chiefs exercising a certain authority over the whole.

Neighboring confederacies sometimes spoke languages radically distinct; yet the dialects of all the tribes north of the Gulf of Mexico and south of Hudson's Bay, from the Atlantic to the Rocky Mountains, are thought by philologists capable, with few exceptions, of being reduced under five general heads.

The most widely-diffused of these five languages, called the *Algonquin*, after one of the tribes of Canada, from whom the French missionaries first learned it, is exceedingly harsh and guttural, with few vowels, and words often of intolerable length, occasioned by complicated grammatical forms—a whole sentence, by means of suffixes and affixes, being often expressed in a single word. This character, indeed, is common, in a greater or less degree, to all the American languages, serving to distinguish them, in a remarkable manner, from the dialects of the Old World. Tribes of Algonquin speech extended from Hudson's Bay southeast beyond the Chesapeake, and southwest to the Mississippi and Ohio. They included, however, several formidable confederacies, the *Hurons*, the *Iroquois*, the *Eries*, and others settled around

Lakes Erie and Ontario, and occupying all the upper waters of the western tributaries of the Chesapeake, who spoke a different language, less guttural and far more sonorous, called the *Wyandot*, after a tribe inhabiting the north shore of Lake Erie. The *Cherokee* is peculiar to a confederacy of that name, occupants for centuries of the southern valleys of the great Alleghany chain, from whence they have been but very lately expelled. The common name of *Mobilian* includes the kindred dialects of the Choctaws, the Chickasaws, the Creeks or Muscogees, the Appalachees, and Yamassees, ancient inhabitants of the valley of the Lower Mississippi, and thence, by the southern foot of the Alleghanies, to the Savannah and beyond it. Compared with the northern languages, the Cherokee and Mobilian are soft and musical, abounding with vowels, thus indicating the long-continued influence of a southern climate. The number of syllables in the Cherokee is very limited—a circumstance of which an uninstructed but ingenious member of that tribe recently availed himself to invent a syllabic alphabet, by means of which the Cherokee is written and read with great facility. Of the ancient state of the wandering tribes of the prairies west of the Mississippi little is known; but the *Dacotah* or *Sioux*, still spoken in a great variety of dialects, has been probably for centuries the prevailing language of that region. The *Catawbas*, who have left their name to a river of Carolina, and who once occupied a wide adjacent territory; the *Uchees*, on the Savannah, subjects of the Creeks; the *Natchez*, a small confederacy on the Lower Mississippi, in the midst of the Choctaws, appear to have spoken peculiar languages; and no doubt there were other similar cases. Of the dialects west of the Rocky Mountains hardly any thing is known.

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It is from their languages only that some faint trace may be obtained of the derivation and wanderings of the Indian tribes. Other monuments they had none. Their sole records were a few rude drawings on skins or bark, or, among some tribes, belts of beads made of shells, and used to commemorate their treaties. Of any period beyond the memory of their old men they knew absolutely nothing. They had, indeed, some vague traditions, important if we had them in a pure version, not however for their historical character, but as illustrating the ideas of the Indians and the process by which legends are every where formed. But these traditions, early modified by suggestions borrowed from the white men, come to us so colored by the fancies and preconceived opinions of those who report them, as to lose a great part of the value they might otherwise have had.

The religious and political arrangements and opinions of the Indians also come to us, in the books of historians and tourists, invested with a systematic consistency and coherence strangers to the forests and prairies of the wilderness. Strictly speaking, according to our notions, the Indians could hardly be said to have had either government or laws. The whole tribe came together to deliberate on matters of public interest, such as war, peace, or a change of hunting grounds. The old, as in all rude communities, had great weight, from their experience; but it was the weight only of sage advice, and, if that failed to control the younger and more ardent, the elders had no authority by which to re-enforce it. Those who had superior energy of character, the gift of oratory, or a reputation for wisdom, swayed by their vigor, their eloquence, or their councils the decisions of the tribe. They were chiefs; chiefs, however, rather by nature than by any artificial arrangement or special appoint-

ment. An influence still more predominant attached to the courage, strength, and stratagem of the eminent warrior. But this influence, in either case, rather resembled that of party leaders among us than the definite authority of legal magistrates. Though individual Indians often stood in great awe of their chiefs, there seems to have been no means of coercing a reluctant minority. If a war party was proposed, it consisted wholly of volunteers; only those went who chose, or who had confidence in the chiefs offering to lead; and so it was in all other matters requiring co-operation.

There was, however, a third source of influence far more effective, and the foundation, often, of a highly despotic authority, obtained by those who possessed the talent and the cast of mind to work upon the superstitious imaginations of their fellows. The Indians, like all rude men, were very superstitious. They believed most devoutly in dreams, revelations, omens, charms. They ascribed an invisible guardian spirit to every man, every animal, every natural object. They were addicted to religious fastings and lonely meditations; they subjected themselves to severe penances in hopes to propitiate the invisible powers, or to produce that morbid excitement of fancy which they mistook for vision or inspiration. The ordinary priests or pow-wows, more recently known as "medicine men," the leaders of the Indians in their superstitious devotions, professed also the art of healing; and to the cure of fevers and other diseases by herbs and vapor baths, in which they possessed some little skill, they added incantations and ceremonies to drive away the spirits regarded as the causes of all violent disorders, and, indeed, of all phenomena of which some other explanation was not immediately obvious. In the possibility of communicating with the world of spirits, and

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II. of employing its agency in human affairs, the Indians were firm believers; and enthusiastic and artful individuals, by assuming the character of inspired prophets and workers of miracles, often obtained implicit reverence, and almost absolute authority.

It thus happened that different communities presented great differences in apparent forms of government. Some tribes seemed the slaves of a spiritual despotism; others resembled a limited monarchy; others an oligarchy governed by two or three powerful chiefs; and others yet a democracy, in which all the warriors stood nearly upon a level. The character of chief was often hereditary, and was sometimes exercised even by women. But the ideas of the Indians on the subject of descent differed from those of Europe. The heir was not the chief's own son, but the son of his sister—a usage universal throughout America, wherever hereditary descent was in vogue. Birth, however, was of little avail when other qualifications were wanting. The title of chief might remain, but the influence passed into other hands.

The hunting grounds and territory of the Indians appertained not to the chiefs nor to individuals, but to the tribe or confederacy. Yet their notions of individual property were clear and exact. Each Indian had a well-established right in the wigwam he had built, in the growing corn he had planted, in the game he had killed, and in all movable goods, the produce of his industry or skill. But the idea of accumulation hardly existed; and where there was so little property, violations of its rights were not apt to be frequent. The Indians were generous, because they were thoughtless and careless of the future. Those who had food were always ready to share it with the hungry. The chiefs especially kept open house, and in that way maintained their popularity.

There was no division of labor ; each family did every thing for itself. Buying and selling between members of the same village seem to have been almost unknown. Even between different tribes the exchange of commodities was very limited. In a few articles only, of which the possession or production was peculiar to certain confederacies, an incipient commerce seems to have existed. The tribes along the sea-coast were found, by the earliest navigators, in possession of plates and ornaments of copper. These articles naturally suggested the idea of mines in the neighborhood, but they seem to have been derived by barter from the distant and unknown shores of Lake Superior. Some of the tribes on the coast manufactured, in their turn, ornamental beads from pieces of sea-shells ; and these beads, wrought into belts, were diffused, by exchange, through the distant interior. Peculiar kinds of clay and stone, fit for pipes and other implements, seem also to have been articles of traffic.

In all cases of violations of his rights, whether of person or property, each Indian relied, in the first place, on his own strength for protection. That failing, he applied to his chief, who thus acted occasionally the part of judge, and, indeed, of executioner, inflicting with his own hand the sentences he decreed ; sometimes blows, and sometimes death. If the culprit were formidable, some trusty warrior was deputed to take him off by a sudden stroke. It was, indeed, the necessity of protection that led each Indian to attach himself to some chief, and each petty chief to some superior one ; and when protection was refused or injuries inflicted, they did not hesitate to transfer themselves to some abler or juster leader. The chiefs, therefore, though guilty of occasional violences, found it necessary to study popularity, and to maintain a reputation for disinterestedness and justice.

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In cases of homicide, the relations of the slain were esteemed bound to avenge his death, though sometimes, through the interference of the chiefs or of mutual friends, they were persuaded to accept a ransom. This principle of vengeance, being extended to the intercourse of neighboring confederacies, led to a series of retaliations ending in furious and hereditary hatreds, and leading often to perpetual wars.

War, indeed, was esteemed among the Indians, as it has been among communities far more civilized, the most honorable, glorious, and worthy of employments. The rank, or comparative estimation of the chiefs, greatly depended on the number of enemies they had slain in battle. This warlike spirit was little, or not at all, stimulated by hopes of conquest or plunder. It was the fury of hatred and revenge, the restless spirit of enterprise, still more, the desire of honor and distinction, that stirred up the warriors to deeds of blood. On their return from a successful expedition, they expected to be met and escorted back to the village amid the plaudits of the women and children, bearing with them the captives taken, and the scalps of the slain stretched on poles—obscure rudiments of what the Romans called a triumph.

In their primitive state, pitched battles or general engagements were unknown among the Indians. Surprise was the great point of their tactics. As the warriors were obliged to carry their provisions on their backs, or to support themselves by hunting, their war parties were seldom numerous. Yet their ardor was great. To reach some distant hostile village, they crossed mountains, swam rivers, and endured the utmost extremities of hunger and fatigue. But, though capable of momentary efforts of great vigor, these children of impulse had not the pertinacity, nor perseverance, nor fixed purposes of civil-

ized life. Bursts of passionate activity were followed by long intervals of indolence. Until they learned of the white man to make war on a larger scale, it was the utmost ambition of their warriors to steal into the enemy's country, to take a few scalps, and to make a few prisoners with the least possible loss to themselves; after which they long remained quiet, unless excited by some retaliatory inroad or some fortuitous encounter.

In the first fury of a successful attack, the women and children of the hostile village were sometimes indiscriminately massacred; but, in general, their lives were spared, and they were received by adoption into the families of their captors. The hostile warrior, if taken prisoner, was reserved for a horrid death, being tortured with all the ingenuity of savage hatred, and burned at the stake by a slow fire. The women and children joined in these torments, and the flesh of the victim was sometimes eaten. Such, at least, was the custom of the Iroquois, the most warlike and ferocious of all the North American tribes; but there is little trace of such cruel practices among the Indians of the Atlantic coast. It was a point of honor with the dying warrior to endure these torments without the slightest flinching or indication of pain, shouting out his death-song from among the flames, and taunting with his latest breath the unskillfulness of his tormentors. Yet even in the midst of these horrors humanity sometimes regained dominion. Among the torturing crowd some one saw, or thought he saw, in the unhappy victim of hate, a resemblance to some relative who had perished in battle. Claimed to supply the place of that relative, the prisoner was adopted on the spot as son or brother, and was expected to evince his gratitude and to ratify his adoption by forgetting forever his native tribe and all his former connections.

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Next to war, it was thought most honorable to excel in hunting and fishing. These pursuits, chief resources for food and clothing, were followed, each in its season, with patience, assiduity, and no little skill. The Indians applied all their sagacity to the knowledge of wood-craft, which they carried to a high degree of perfection. They could trace their game or their enemy by the slightest indication—grass bent, leaves trampled, or twigs broken. Inferior to Europeans in strength and in capacity to perform regular labor to which they were unaccustomed, their activity, powers of endurance, and acuteness of sight and hearing were extraordinary. Guided by the stars and sun, and supported by a little parched corn pounded and moistened with water, they performed, with unerring sagacity, immense journeys through the woody or grassy wilderness. The habits of almost all the tribes were more or less migratory. They knew little or nothing of the comforts of a settled habitation. They seemed always uneasy, always on the point of going somewhere else. Their frequent journeys had traced, in many places, trails or foot-paths through the woods or across the prairies. It was their custom to kindle annual fires, by which the grass and underwood were consumed. Except among the swamps and rocky hills, the forests thus acquired an open and park-like appearance.

Trees, remarkable for height and beauty of foliage, and varying in species with every variety of soil and climate, overspread, in vast forests, all the eastern portion of North America, from the Gulf of Mexico to Hudson's Bay. Beyond the mountains, in the neighborhood of the Mississippi, the open prairies commenced, and, on the western side of that river, gradually usurped almost the whole country. Besides oaks, and pines, and other well-known genera of Europe, the American forests con-

tained many trees, and a great variety of shrubs and plants, entirely new. Even such as seemed most familiar to visitors from Europe were specifically different from those of the Old World. The same was true of birds, fish, and forest animals. The animated nature of North America was peculiar to itself. Beasts of prey, the wolf, and several varieties of the cat tribe, were few in number and comparatively diminutive in size and strength. The black bear, a favorite article of food with the Indians, could hardly be reckoned of that class. It was, however, upon several varieties of the deer that the tribes of the forest region chiefly depended for meat. The more northern forests seem to have furnished the best hunting grounds; it was there only that the moose and the elk were found. These northern regions abounded also with beaver and other valuable fur-bearing animals; but, till a regular trade and intercourse were opened with Europeans, these animals remained comparatively undisturbed. The northern rivers—those, at least, of the Atlantic slope—annually swarmed, at certain seasons, with salmon, bass, shad, herring, sturgeon. The northern lakes were also full of fish. The shell-fish of the sea-coast furnished an important resource to some tribes. Water-fowl were abundant; the wild turkey traversed all the American forests.

The vast grassy plains of central North America, with their immense herds of bison, or buffalo, might seem to invite to pastoral life; but nothing of that sort was known. Till the southwestern tribes obtained horses from the Spaniards, the Indians had no domestic animals except a few small dogs. Besides hunting and fishing, they supported themselves in part, especially the more southern confederacies, among whom game was comparatively scarce, by cultivating patches of maize or Indian corn,

CHAPTER II. that remarkable grain so widely diffused, in many varieties, over the whole of America, though nowhere found in a wild state. They cultivated, also, several sorts of beans and pease, besides squashes, pumpkins, water-melons, and a number of edible roots, of which, among the Southern tribes, the sweet potato seems to have been one. They had orchards of native plums; and wild berries, gathered and dried, constituted a part of their winter store. Among the Southern tribes the peach was early introduced, and the apple among the Northern. Their agricultural instruments were of the rudest sort, large shells, flat stones, or stakes sharpened by fire. They could only fell trees by burning round them.

The labor of planting, tending, and gathering the crops; preparing skins for clothing, which they did with much nicety; making mats and baskets, their chief household furniture; carrying burdens during their journeys; in fact, all the drudgery, fell upon the women. Marriage was a sort of purchase—the father receiving presents from the husband in exchange for his daughter, who, after a few months of fondling and favor, sunk to the condition of a domestic servant. Polygamy was not common except among the chiefs; but there were no objections to it. Every Indian had as many wives as he could pay for and support. It was, indeed, the labor of their wives that enabled the chiefs to maintain the hospitality proper to their station. The Indian husband divorced his wife at pleasure; in case she proved unfaithful, he might put her to death. Unmarried women might follow, with little reserve, the bent of their inclination; but the Indians of both sexes, as a general rule, were remarkable for continence. The affection of the women for their children was unbounded; the fathers, also, were very indulgent.

In their own wigwams the natives of America were often gay and jolly, exhibiting a quick sense of the ludicrous; but, on all public occasions, and in presence of strangers, they put on a grave and reserved appearance, which, indeed, their solitary habits made in a measure habitual. Pride forbade the public exhibition of curiosity or emotion. Though, like all rude men, subject to violent gusts of passion, and very plain of speech, they exercised on public occasions a strict command over their feelings, and often practiced in their social intercourse, especially with strangers, a forbearance and politeness such as might shame more civilized communities. Toward strangers their hospitality was unbounded; and, as among the ancient Greeks, the relation of host and guest possessed, to a certain extent, a sacred character. If they never forgave an injury, so they seldom forgot a benefit.

It was not alone in active employments that the men found occupation. Each warrior and hunter manufactured for himself his weapons and his implements: his war clubs of hard and heavy wood, wrought and ornamented with great ingenuity; his bows shaped and polished; his arrows pointed with flints, shells, or sharp bones, which served also as cutting instruments. A rude clay pottery, able to stand the fire, and employed to boil their food, was also molded by the men.

The canoes of the northern tribes, made of the bark of the white birch, neatly sewed together, and strengthened by an interior frame-work, were very light, and easily transported over the numerous portages where navigation was interrupted by rapids, or one water course separated from another by an interval of land. The canoes of the more southern tribes were made of the trunks of trees shaped and hollowed by fire

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Till they obtained blankets and cloth of European traders, the clothing of the Indians was very scanty—little more than a skin tied about the loins. They made great use of oil, which they extracted from a variety of nuts, applying it, like so many other nations, as an unguent, and a sort of substitute for clothing. For personal decoration, or for staining their skins and baskets, they employed bright pigments, the juice of berries, or colored earths. They were very fond of dress and ornaments, the earliest and rudest development of the sentiment of the beautiful, and gave much time and labor to the business of decoration, a luxury reserved chiefly for the men, some of whom were great fops. Yet, even in this personal decoration, a higher sentiment developed itself. Several ornaments most esteemed, the feathers of the eagle, the claws of the bear, the skins of the more savage animals, the hair and scalps of enemies slain in battle, could only be obtained by efforts of skill or courage, of which they served, indeed, as badges. Personal neatness, and the idea of cleanliness and order in their dwellings, were points of a more advanced civilization to which the Indians had not attained.

Though active, patient, and persevering in the accomplishment of particular objects, the general foresight of the Indians was limited. They took little thought or care for the morrow, and often suffered excessively for want of food. They were fond of gluttonous feasts, in which they often heedlessly devoured their whole winter's store. Unlike their neighbors of Mexico and the West Indies, the northern tribes had no knowledge, in their primitive state, of any intoxicating drink. They found a partial substitute, however, in tobacco, which they cultivated with care, and the smoking of which entered into all their festivals and solemnities.

Their amusements were dances to a rude sort of music, with a song or recitative, and having a pantomimic and dramatic character, in which a certain resemblance may be traced to what we are told of the origin of the Greek and Roman drama. Such, especially, was the war dance, representing a whole history of the departure, the exploits, and the return of a war party. They observed, also, certain fasts and festivals of a religious character. Some of the tribes had a great wigwam, a rude sort of temple, for the celebration of their religious ceremonies. The young men were often initiated into manhood by cruel rites, intended apparently to test their powers of endurance. They practiced, for sport and exercise, several athletic games, among which foot-ball was a favorite. They had also games of chance, and were much addicted to gambling.

The scanty and uncertain supply of food, and more especially the hardships and severe labors to which the Indian women were subjected, contributed to keep the population in check. Few exceeded the number of three or four children. As a general rule, the Indians were not long lived. Many perished prematurely by consumption and fevers, to which the sudden vicissitudes of the climate and their habits of life particularly exposed them. Toothache, one of the endemic disorders of the United States, is noticed by an early observer as a very common affliction, bringing tears into the eyes of the stoutest warriors. Whole tribes were sometimes swept away by famine or pestilential disorders. Europeans introduced the small-pox and other diseases, which proved very fatal.

The earlier visitors to North America formed very exaggerated notions of the number of the native inhabitants. From the sea-coast, back to the falls of the rivers,

CHAPTER seems to have been by far the most populous part of the
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continent. This district had a resource in abundant supplies of fish, for the most part wanting in the interior. Great tracts among and beyond the mountains seem to have been destitute of resident inhabitants, serving as occasional hunting-grounds for distant tribes. The prairies of the Far West did not originally possess those herds of wild horses which have added so much to the pleasure and the power, and probably, also, to the numbers of the Western tribes. The most powerful confederacies, the Iroquois or Five Nations, the Cherokees, the Creeks, the Choctaws, the Chippewas of Lake Superior, never could boast more than three, four, or five thousand warriors, and the warriors were usually reckoned a fourth part of the whole number. From the more accurate knowledge we possess of existing tribes, compared with the facts stated by the earlier observers, we have no reason to suppose that the total Indian population within the territory of the United States east of the Rocky Mountains, at any time subsequent to the discovery of America, exceeded, if indeed it even reached, three hundred thousand individuals.

Such was the state of the aboriginal population when North America first became known to Europeans. Yet there exist remarkable proofs, scattered through the whole extent of the Valley of the Mississippi, of the former occupation of that region by a far more numerous, and, in some respects, a different people. These memorials consist of embankments of earth and stone, exhibiting undeniable evidences of design and labor, sometimes of very great extent. Some of them, along the brows of hills or the precipitous edges of ravines, inclosing a greater or less space of table land, were evidently intended as works of defense. Others, still more numerous, extensive, and

elaborate, seem most probably to have been connected with religious ideas. Occupying often the fertile bottoms at the junction of rivers (sites selected for towns by the present inhabitants), they present in some places curious basso relievos, birds, beasts, reptiles, and even men; but more generally, in the Valley of the Ohio, inclosures of various sorts, often curiously complicated, perfect circles and perfect squares, and parallel lines of great extent, the embankments being from five to thirty feet high, and the inclosures from one to fifty, and often a hundred or two hundred, and sometimes four hundred acres in extent. Other classes of monuments, often connected with those just mentioned, but often separate, and increasing in number toward the south, are conical and pyramidal structures, from a few yards to a thousand or two thousand feet in diameter, and from ten to ninety feet high, sometimes terraced like the Mexican teocallis. Some of these mounds were evidently for sepulchral purposes, and others apparently mounds of sacrifice. Connected with these ancient monuments have been found remnants of pottery, weapons and utensils of stone, axes and ornaments of copper, but nothing which affords any decisive evidence of a state of civilization superior to that of the present Indians. Yet the extent and number of these earth-erectations, of which there are but few traces east of the Alleghanies—the most populous region of North America when it first became known to Europeans—evinced the combined labor of many hands, of a sort of which no traces appeared among the tribes found in possession by Europeans.

A closer examination of those tribes might show some striking and curious peculiarities; but the institutions and the social condition of all the aborigines north of the Gulf of Mexico present a strong general resemblance in extreme simplicity and primitive rudeness.

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Extending our glance for a moment to the rest of the new world, we find in the West Indies, and throughout the whole wide western slope of South America, different languages indeed, and some differences of customs and habits, occasioned by differences of climate and natural productions, but a social condition, a state of primitive ignorance and poverty, and on the continent a paucity of population, the same with that of the northern tribes. It was only on the table land of Mexico, the isthmus of Central America, the elevated plateaus of Bogota, Quito, and Peru, circumscribed spots, peculiarly favored by nature, enjoying most of the advantages, and escaping many of the inconveniences of both the torrid and the temperate zones, that the American race had made any onward steps in the career of civilization. Here were populous communities, supported by regular labors of agriculture; the art of weaving cotton cloth; the employment of copper, which they knew how to subject to a peculiar hardening process, as a substitute for iron; the knowledge of gold, and the art of working it; the mass of the people, as in so many Eastern countries, in the condition of serfs; a nobility; a priesthood, not without learning; an elaborate mythology; architecture on a gigantic scale; large cities; despotic monarchs: in Mexico, a cruel and bloody system, over which the god of war presided, to whom was offered the horrible but consistent worship of human sacrifices: in Peru, a superstition comparatively mild, and a government comparatively paternal, administered by the Incas, children of the Sun. It is much to be lamented that the jealous fanaticism of the early Spanish conquerors, followed by apathy and neglect in their descendants, has resulted in the loss of memorials which might have enabled us more accurately to estimate the character, per-

haps to trace the progress of this aboriginal American civilization, which seems, indeed, to have been but a development of the ruder system of the other tribes, and still bearing many traces of its origin. It is certain, at all events, that the native Mexicans and Peruvians, who still constitute the mass of the population in those countries, are of the same race or type with our North American Indians. From Patagonia to Hudson's Bay, the aboriginal inhabitants of America presented a resemblance sufficient to mark them as a separate and peculiar race, and obvious to the most careless observer. It was only about the Arctic seas that a departure from this uniform type was observed; that region being inhabited by the Esquimaux, of the same race apparently with the polar inhabitants of the Eastern continent. A similar conformity also prevailed as to all the animal inhabitants of that region.

When the aborigines of North America first came in contact with voyagers from Europe, struck with their superiority in arts and knowledge, they inclined to regard them as supernatural beings, to be received with unbounded hospitality, veneration, and confidence. This trust and good will were cruelly repaid. The practice of kidnapping the Indians, to sell them into slavery, as we have seen, was early commenced—a business regularly carried on for the benefit of the Spanish settlements in the West Indies. Nor did adventurers of other nations hesitate to seize the unsuspecting natives as trophies of the voyage, or to serve as guides for future expeditions. By most of the early navigators, to murder the natives in cold blood, upon the slightest provocation, seems to have been thought quite a matter of course. Can we wonder that confidence was soon replaced by distrust and hatred; that, in accordance with their ideas,

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II

the Indians were ready to revenge the wrongs they had suffered upon every white man who fell into their power, and that hence came occasional murders and massacres on their part?

But even these fears and antipathies were overcome by the attractions of traffic. The Europeans were ready to barter looking-glasses, beads, trinkets, knives, and hatchets for furs and skins. This trade gradually increased, and the use of articles of European manufacture began to be introduced into North America, and the primitive habits of the natives to be somewhat modified thereby, long before any European settlements were permanently established on the coast.

CHAPTER III.

CAROLINA. COLONY OF SAINT AUGUSTINE. NEW MEXICO.
 VIRGINIA. ACADIE. NEW FRANCE. NEW NETHERLAND.

DURING the period embraced in our first chapter, that great religious revolution had occurred which divided Western Europe into the two hostile and violent parties of Protestants and Catholics—a revolution not without very important influences on the colonization of North America. CHAPTER
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The first attempt at a lodgment within the limits of what are now the United States, with colonization, not conquest, as its principal object, was made by French Protestants called Huguenots, who constituted at that time a formidable party, embracing, besides a large body of the nobility, no small portion of the intelligent and industrious class, especially in the south of France.

The plan of an American settlement was patronized by the Admiral de Coligny, celebrated in French history as one of the ablest leaders of the Protestants. An attempt- 1555-
 ed settlement in Brazil having proved a failure, John Ri- 57.
 bault was presently sent with two ships on a voyage of ex- 1562.
 ploration to Florida. He discovered the River *St. John's*, May.
 which he named the River of May; and, following the
 coast toward the north, entered a spacious inlet, which
 he called *Port Royal*, a name it has ever since retained.
 On an island in this harbor he built a fort called CARO-
 LINA, after Charles IX., then king of France—a name
 extended afterward to the circumjacent territory, and
 still retained by two of the United States.

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1562. The twenty-six men left by Ribault, while he returned for supplies, lonely tenants of a desolate coast, became discontented and uneasy, notwithstanding the hospitality of the neighboring Indians. The attempt of the commandant to repress this feeling provoked a mutiny, in which he was killed. With such materials as they had, the home-sick colonists built and rigged a small bark, in which they set sail for France. But their provisions failed, and they were reduced to the terrible expedient of feeding on the flesh of one of their companions. At length they were picked up by an English vessel, some of them landed on the coast of France, and the others carried to England.

1564. Ribault, on his return to France, had found that kingdom distracted and attention occupied by civil war, then first breaking out between the Huguenots and the Catholics. Peace was presently patched up, and two years after the scheme of settlement was renewed. Three ships, furnished by the French government, were placed under the command of Laudonnière, one of Ribault's companions in the former voyage. Le Moyne, a draftsman and painter, whose sketches, made upon the spot, were afterward engraved and published, accompanied the expedition. June. Laudonnière landed his people at the River of May, where he built a fort, called, also, Carolina. But these colonists, like their predecessors, were an unruly set. Under pretense of searching for provisions, some of them seized two small vessels belonging to the colony, with which they sailed to cruise against the Spaniards, whose ships from Mexico and the West Indies offered tempting prizes to freebooters. They took two or three small Spanish vessels, but escaped with difficulty from a superior force at Jamaica, and returned to Fort Carolina, where the ring-leaders were tried and executed. In distress for

food, of which their store was consumed, the colonists had made up their minds to abandon the settlement, when they were visited by Sir John Hawkins, an English adventurer, on his way home from the Spanish West Indies, where he had just sold, at a great profit, a second cargo of slaves, kidnapped on the coast of Africa. Hawkins appears to have been the first Englishman who engaged in this detestable traffic. Moved by religious sympathy, he supplied the French colonists with provisions, and even gave them a vessel, in which they were just about to embark for France, when Ribault arrived, bringing with him a recruit of colonists, men, women, and children, abundance of provisions, and a supply of tools, seeds, and other necessaries.

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1564.

August.

But Ribault soon found himself attacked by a formidable enemy. This French settlement of Carolina was an intrusion on Florida, as claimed by the Spaniards. The French colonists, or some of them, had taken and plundered two Spanish vessels. They were heretics also; and as religious sympathy had impelled the slave-trader Hawkins to assist them, religious antipathy aroused Don Pedro Menendez for their destruction. Like so many other Spanish adventurers, having amassed a fortune in America, Menendez was disposed to spend it on new enterprises, and he had lately entered into an agreement with Philip II. for the conquest and occupation of Florida. He undertook to invade that country at his own expense, with a force of at least five hundred men, to expel the French, to subdue the natives, and to establish a colony. He was to be governor for life, and, besides an annual salary chargeable on the colonial revenue, was to enjoy certain commercial privileges, and to share the perquisites appertaining to the crown. He was also to receive, as his private property, a tract of land

CHAPTER ^{III.} seventy-five miles square in the immediate neighborhood
 1564. of the first settlement. At least five hundred colonists were to be sent out at once, of whom not less than one hundred were to be married men. Twelve priests were to accompany the colony, and Menendez was to supply it with five hundred negro slaves.

The cry of "Death to the Huguenots" gave a religious zest to this enterprise. Besides three hundred soldiers furnished by the king, twenty-two hundred volunteers, priests, sailors, laborers, mechanics, women, and children, embarked on the expedition at the expense of Menendez. But the fleet was scattered by storms, and the leader arrived at Porto Rico with only one third of his company. Without waiting for the rest, he sailed at once for Florida, and in a few days saw its low and dangerous shore, swept by the rapid current of the Gulf Stream. Keeping to the north, he presently entered an inlet and haven, which he called *St. Augustine*, in commemoration of having first seen the land two days before, on the anniversary of that saint. Still keeping north in search of the French settlement, he presently discovered Ribault's vessels, recently arrived; but, apprehensive of his object, of which Ribault had received some intimation before leaving France, they cut their cables and put to sea. Menendez then returned to the harbor he had found, landed his colonists, and, having taken possession of the country in the name of Philip II., proceeded to mark out a city, to which he gave also the name of *St. Augustine*. That city, though it never attained any considerable population, still exists, by many years the oldest European town in the United States. Built of stone in the solid Spanish fashion, some houses are still standing, reputed almost coeval with its foundation.

Ribault presently collected his ships and sailed to at-

tack the Spaniards. But his vessels, overtaken by one of those violent storms common on the coast at that season of the year, were driven to the southward and cast on shore. The French, in their fort on the River of May, expected to be attacked by sea. But Menendez marched by land from St. Augustine, and took them entirely by surprise. A bloody massacre ensued, in which, according to the French account, not the men only, but even women and children, were slain. Laudonière and a few others escaped to the woods, and succeeded in getting on board two small vessels which Ribault had left behind in the river. It was not as Frenchmen, but as heretics, that the colonists had been massacred; so, according to the French accounts, Menendez declared, and to commemorate his pious zeal, as soon as the carnage was over, a cross was erected, mass was said, and on that same bloody spot the site for a Christian church was marked out, the first within the limits of the United States. Such of the French as had escaped from the shipwrecked vessels were presently lured into the hands of the Spaniards, and put to death in a second massacre. Ribault was among the number; Laudonière and his few companions succeeded in escaping to France.

The French court, itself Catholic, and lately at open war with the Huguenots, paid no attention to a supplicatory letter addressed to it by the widows and orphans of the slain. But they found an avenger in Dominic de Gourges, a French soldier of fortune, who, out of certain private griefs of his own, entertained a bitter hatred of the Spaniards. By the sale of his property and the aid of his friends, he equipped three ships, and, with a hundred and fifty men, under pretense of sailing for the coast of Guinea, secretly embarked for Florida. He surprised Fort Carolina, now occupied by the Spaniards, took it

CHAPTER with the aid of the Indians, and hanged his prisoners,
 III. with this inscription—"Not as to Spaniards and mari-
 1568. ners, but as to robbers, traitors, and murderers." Satis-
 fied with this exploit, which made him an object of bitter
 hatred to the Spaniards, De Gourges returned to
 France, where civil war between the Protestants and
 Catholics was again raging. This war continued, with
 little intermission, for thirty years, during which colo-
 nization in America seems to have been hardly thought
 of. But the merchants of Normandy and Brittany still
 prosecuted the Newfoundland fishery, to which a profit-
 able fur trade in the gulf and river of St. Lawrence be-
 gan presently to be added.

The settlement at St. Augustine was, by more than
 forty years, the earliest permanent European colony on
 the Atlantic coast, north of the Gulf of Mexico. But
 the narrow principles of Spanish colonial policy, estab-
 lishing every where a perfect despotism, conspired with
 a sandy and barren soil to keep this early settlement
 poor and inconsiderable.

1580. Some sixteen years after the foundation of St. Au-
 gustine, an addition was made to Spanish knowledge of
 America, leading presently to a new conquest and a new
 settlement. Augustin Ruyz, a Franciscan friar, inflamed
 by that missionary spirit which animated the Spanish
 ecclesiastics, undertook an exploration of the interior re-
 gions north of Mexico. He set out from the neighbor-
 hood of the mines of Santa Barbara, on the borders of
 that arid desert which skirts the southeastern foot of the
 Mexican table land, and, with two or three companions,
 penetrated north till he struck the middle course of the
 Rio Grande, which river he ascended to its upper valley,
 explored forty years before by Vasquez Coronado. Ruyz
 1581. was followed, the next year, by Antonio de Espejio, with

a body of soldiers and Indians. He completed the ex-
 ploration, and gave to this country the name of NEW
 MEXICO. *Santa Fé* was presently built, next to St. Augustine
 the oldest town in the United States. The Indian inhabitants of that remote valley, in the very heart of the American continent, surrounded on all sides by rough mountains and arid deserts, received Spanish rulers and Spanish teachers cotemporaneously, as we shall presently see, with the first English attempts to colonize the Atlantic coast.

In the interval since the discovery of America, the foreign commerce and navigation of England had made very decided progress. The English merchants even aspired to share in the lucrative traffic of the East Indies, still a monopoly in the hands of the Portuguese. A western passage to India not having been found, the idea had been broached of a northeastern passage through the Arctic Sea—an enterprise zealously entered into by Sebastian Cabot, who had returned to England in his old age, and had been rewarded for his merits and former services by a pension from the crown. An English expedition, fitted out under instructions drawn up by that veteran navigator, failed indeed of its main object, but one of the vessels entered the White Sea and discovered the port of Archangel, thus opening Russia to maritime commerce. The Russians, near a century before, had thrown off the yoke of the Mongols, under which they had long been crushed, but as yet they were hardly known in Western Europe. Presently the Russia Company was incorporated, the first of those great English trading companies which have played so conspicuous a part in English affairs, and several of which were largely concerned in the colonization of North America.

The hopes of a northeastern passage thus disappoint-

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 ed, the search for a northwest passage was again re-
 1576. newed. Martin Frobisher, with this object in view,
 penetrated into the entrance of Hudson's Bay. A stone
 from that desolate region, which the refiners declared to
 contain gold, excited a great ferment in London, and led
 1577. to the fitting out of two expeditions, the last a fleet of
 1578. fifteen sail, manned by many high-born volunteers, who
 eagerly adventured to search for mines on the frozen
 coast of Labrador. But these vessels brought home only
 worthless earth mistaken for precious ore.

A new stimulus and a wider range was given to English maritime adventure by the hostilities already commencing between the English and Spaniards. Philip II., the wealthiest and most powerful monarch of that age, lately the husband of Bloody Mary, was the champion of the Catholic faith, the prince to whom Mary of Scotland and the Catholic nobles of England looked for support. Elizabeth, as head of the Protestant party in Europe, sent secret aid to the revolted Dutch; and though no war with Spain was yet formally declared, the English began to gratify their love of plunder, and, at the same time, to indulge their religious antipathies, by piratical expeditions, undertaken without any formal commissions, against Spanish commerce and the Spanish American colonies, whose wealth in gold and silver made them the admiration and envy of Europe.

The attention of Sir Humphrey Gilbert, a gentleman of Devonshire, was attracted to the slower but more certain and more honest wealth derived from the fisheries of Newfoundland, now annually visited by not less than a hundred and fifty French vessels, besides as many more from Spain, Portugal, and England. After serving with credit in the wars of France, Ireland, and the Low Countries, Sir Humphrey had turned his attention

to maritime affairs, and had published a treatise on the northwest passage to India. Having lost much money by some speculations in alchemy, for the transmutation of iron into copper, fashionable in that age, he sought to recruit his finances by acquiring dominion and planting a colony in America. The recent dissolution of the English monasteries had deprived of their resources a large number of individuals, accustomed to be fed, in whole or in part, by the bounty of those institutions. The first compulsory English poor law had been lately enacted. The pressure of population was already felt, and there was likely to be no lack of colonists.

Elizabeth granted a patent to Gilbert, conferring rights of jurisdiction and exclusive trade over a circuit of six hundred miles "not actually possessed by any Christian prince or people," to be described from any spot as a center where a settlement might be planted within six years.

After some disappointments and delays, Gilbert length put to sea; but an unsuccessful engagement with a Spanish squadron, and a violent storm, in which he lost one of his ships, compelled him to return without having crossed the Atlantic.

Meanwhile the celebrated Sir Francis Drake, with a small squadron fitted out at private expense, having followed the track of Magellan, appeared in the Pacific Ocean, and enriched himself and his company by plundering the Spanish cities, taken wholly by surprise, and unprepared for such an attack. In hopes of discovering the long-sought western passage to India, and for himself some shorter course into the Atlantic, Drake ran along the western coast of North America, which he called *New Albion*, the same region to which the previous Spanish explorers had already given the name of Cali-

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1580. fornia. He entered the bay of San Francisco, called by the English after his name; but, disappointed in finding a passage to the eastward, he directed his course to the Cape of Good Hope, whence he returned to England, thus completing the second circumnavigation of the globe. Notwithstanding the loud complaints of the Spanish ambassador, Drake not only went unpunished, but was favorably received at court; and hostilities with Spain now became open and flagrant.

1583. Just before the expiration of the six years limited in his patent, Gilbert undertook a second voyage. He August reached Newfoundland with three ships, and found in the harbor of St. John's thirty-six vessels of different nations employed in the fishery. In presence of the crews, he took possession of the island in the name of Queen Elizabeth; imposed a contribution of provisions upon the vessels; made grants of land, with a reservation of rent to himself; declared the Church of England to be the established religion; and the attempting any thing against the queen's title to be treason. He then set sail for the continent; but, as he approached the shore, his largest vessel struck a shoal or ledge, and was lost. Disheartened at this accident, the other two ships put about and steered for England, but that which carried Gilbert foundered on the passage.

The scheme of American colonization was immediately taken up by Walter Raleigh, Gilbert's half brother, perhaps the companion of his first voyage, and certainly a partner in the second—then a young man just coming forward, the most restless and ambitious, as he was the most versatile and accomplished, of all Elizabeth's courtiers. Raleigh easily obtained from the queen, with whom he had suddenly become a great favorite, a patent nearly in the terms of that granted to Gilbert; but

an additional clause, suggested doubtless by the remonstrances of the merchants engaged in the Newfoundland trade, expressly forbade any interference with the fishermen there. Placed thus under the necessity of selecting for his colony a more southerly latitude, and having persuaded several others to unite with him in the enterprise, Raleigh dispatched two experienced commanders, Philip Amidas and Arthur Barlow, to reconnoiter the coast.

After a prosperous voyage by way of the Canaries and the West Indies, these commanders made the land in the vicinity of Cape Fear. Coasting northeasterly in search of a harbor—not easily to be found on that coast—they reached Ocracoke Inlet, and landed at a spot which the natives called *Wococon*, the point of a long, narrow island, which separates Pamlico Sound from the Atlantic. Here they were soon visited by the Indians of the neighborhood, who received them with hospitality, and were eager to trade. By their invitation the vessels entered the sound, and visited *Roanoke*, a low and sandy island situate in the passage from the Sound of Pamlico to that of Albemarle, names, however, as yet unknown. At this island, the seat of an Indian village, an advantageous traffic was opened with the natives, who feasted their visitors on venison, fish, berries, and hominy—made of Indian corn broken and boiled—a dish still familiar throughout the Southern States. Two of the tribe even volunteered to visit England.

The vigorous vegetation of these sandy islands, so much in contrast with the stunted growth of Newfoundland, concealed the poverty of the soil. The stately oaks, the cedars, cypresses, pines, bays, magnolias, and other evergreens, gave a deceptive idea of great fertility. The ships were loaded with cedar, to which were added skins and furs purchased of the Indians, and sassafras, which

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the Spaniards had already found in Florida, and introduced into Europe as a medicinal and precious aromatic.

1584. The explorers, on their return, made a flattering report of their discoveries, and the name VIRGINIA was bestowed on this promising region, it is uncertain whether by the virgin queen herself or by the dexterous Raleigh.

Raleigh was knighted, his patent was confirmed by act of Parliament, and, according to the queen's fashion of enriching her courtiers by the gift of monopolies, she conferred upon him the exclusive sale of sweet wines, the profits of which might aid him in planting a colony.

1585. Thus encouraged, Raleigh soon fitted out seven vessels well furnished with every requisite for a settlement.

April.

Grenville, a successful cruiser against the Spaniards, was naval commander; Lane, knighted subsequently by Queen Elizabeth for his military services, was to be governor; Hariot, a man of science, was appointed to investigate the native productions and natural history of the colony; Wythe, an ingenious painter, went as draftsman. With all the expenses of this expedition on his shoulders, Raleigh contributed also to fit out his friend Davis, who renewed, about this time, the search for a northwest passage to India, and, penetrating toward the polar circle, first explored the entrance into Baffin's Bay.

Grenville sailed by way of the West Indies, where he cruised awhile for Spanish prizes. Following the coast of Florida toward the north, he narrowly escaped shipwreck on *Cape Fear*, which now first received that ominous name. The ships reached Wococon in safety, but one grounded while entering the sound. The colonists were landed on the Island of Roanoke. Manteo, one of the Indians carried to England, and now brought back as guide and interpreter, was sent to the main land to announce their arrival. The Indians were still friendly,

June.

and, under their guidance, the shores of the sound were explored and several Indian villages were visited. Unfortunately, at one of these villages a silver cup was stolen; Grenville returned to demand it, and, when its restoration was evaded or delayed, with the reckless violence characteristic of the adventurers of that age, and, indeed, of most voyagers among savage nations, he burned the village and destroyed the standing corn. Having forfeited, by this rash and hasty act, the good will of the Indians, so essential to the infant colony, Grenville presently sailed on his return voyage. On his way home he captured a rich Spanish prize. The plunder of the Spaniards seems indeed to have attracted more of his attention than the settlement of the colony.

Left behind with an hundred and ten men, Lane employed himself in exploring the neighborhood. In a southwest direction he penetrated as far as Secotan, an Indian town between the Pamlico and the Neuse. In the district north of Albemarle Sound he found the tribe of the Chesapeake, from whom he obtained some vague account of the great bay, still known by their name. He also examined the western extremity of the sound, and ascended the Chowan as high as the junction of its two principal branches. The River Roanoke attracted his attention; the Indian chief of that neighborhood, anxious, perhaps, to get rid of these intruders, told a marvelous tale, suggested, no doubt, by the questions put to him, of a pearl fishery, a gold mine, and a western ocean—so at least his story was interpreted—near the shores of which the River Roanoke had its rise. The Spanish pearl fishery at the Island of Margarita, on the southern coast of the Caribbean Sea, and the gold and silver of the Spanish colonies, encouraged all the adventurers of that day with the hope of similar discoveries every

CHAPTER where in America. Commerce on the great scale of the
 III. present times was still unknown. So far as the inter-
 1585. course of distant nations was concerned, trade was lim-
 ited to a few articles of rare and precious character. It was articles of that sort which made the commerce to India seem so great an object, and the discovery of a western passage thither so important. Seduced by delusive tales which seemed to him sufficiently credible,
 1586. Lane attempted to ascend the Roanoke; nor did he give
 March. over the enterprize till he and his companions had nearly perished with hunger.

As summer approached, the stores of the Indians were exhausted, and because they omitted to re-plant their corn-fields in the Island of Roanoke, they were accused of a treacherous design to starve out the colonists. A leading chief of that district, suspected of a
 June. plot to murder the English, was drawn into an ambush under pretense of a parley, and treacherously slain, with eight of his warriors. The scarcity of provisions having obliged the colonists to disperse in search of food, a small party on Cape Look-out, much to their surprise, descried at sea a fleet of twenty-three sail. It was Sir Francis Drake, on his way home from a new plundering expedition, in the course of which he had levied contributions on Carthagera, St. Domingo, and the little town of St. Augustine in Florida. Aware of the existence of Raleigh's colony, he had followed the shore in hopes of discovering it. The signals waved from Cape Look-out were presently seen, and Drake opened a communication with Lane, and gave him a ship, a pinnace, and several boats, with a supply of provisions. He also persuaded two of his captains to remain in the colony. But a sudden storm arose, against which the open roadstead where Drake's vessels lay at anchor afforded no protection. To

escape shipwreck, they put to sea; and the vessels set aside for the colony were driven off the coast. CHAPTER
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Lane and his companions were now totally discouraged. They declined to accept Drake's offer of another vessel, and, embarking on board the fleet, set sail for England. Hardly were they gone when a ship, dispatched by Raleigh, with abundant supplies, arrived at Roanoke, and a fortnight after came Grenville with three more ships. Having searched in vain for the departed colonists, Grenville left fifteen men to retain possession. On his way home he plundered the Azores, a Portuguese settlement—the Portuguese and Spanish crowns, with the vast colonial empire appertaining to them, being now united on the head of Philip II., who claimed the Portuguese crown by inheritance, and held it in spite of the wishes of the people. 1586.
June 19.

The failure of Lane's colony did not deter Raleigh from a second experiment; and he found others ready to join him in it. To give the settlers a feeling of home, and to make them willing to remain, it was wisely determined to send out, not single men only, but families having a personal interest in the enterprise. A company was formed, and a charter was granted to John White and eleven others, as governor and assistants of the "city of Raleigh," in Virginia. Such was the designation of the new colony, designed to be planted in Chesapeake Bay, of which some vague idea had been obtained by Lane in his intercourse with the Indians. But the commander of the ships in which these adventurers sailed was in haste to depart for the West Indies, where he hoped to enrich himself by trade or Spanish prizes, and, refusing to spend time in explorations, he put the new colonists ashore at Roanoke. The houses of the former company were found standing, but deserted, and over- 1587.
January.
July.

CHAPTER III. grown with vines and weeds. A human skeleton lay whitening on the ground. Nothing appeared of the fifteen men left by Grenville. The new comers were presently visited by Manteo, the Indian interpreter, who told them that the fifteen men had been slain by some of the neighboring Indians, of whose hostility a new proof was presently experienced in the slaughter of one of the assistants, who had strolled a little distance from the fort. In haste for revenge, the colonists attacked an Indian party by night, and had slain several before they discovered in these supposed enemies a friendly band. When August. the time came for the departure of the vessels, White, the governor, was urged to go to England to secure and hasten the promised supplies. He left behind eighty-nine men, seventeen women, and eleven children, among whom was an infant grand-daughter of his own, Virginia Dare, the first English child born in America.

When White arrived in England he found the nation in universal excitement and alarm. The hostilities so long carried on against the Spaniards had produced, at last, a crisis. Provoked beyond endurance by the expeditions of Drake, the execution of Mary of Scotland, and the aid still afforded to the revolted Dutch, who had even chosen Leicester, Elizabeth's favorite, as their governor general, Philip II. undertook to carry into effect a sentence of the pope excommunicating and deposing the English queen, proclaiming a crusade against her, and giving her kingdom to any Catholic prince who would 1588. undertake to drive her from it. A great armament was preparing in the ports of Spain, Portugal, and the Low Countries, for the invasion of England. Notwithstanding the terrors of this threatened invasion, Raleigh fitted April. out White with two ships; but, stopping to cruise for Spanish prizes, one of these vessels, after a bloody en-

gagement, was itself boarded and rifled, and both were compelled to return. Other vessels, fitted out for the same purpose, were pressed into the public service; White himself was so employed; and, for the moment, the colony was neglected and forgotten.

Raleigh had already spent £40,000 (\$190,000) on this fruitless enterprise, and, too much impoverished to go on, he made an assignment under his patent to a company, of which Thomas Smith, a merchant of London, and White, already mentioned, were principal members. Some delay occurred in sending out assistance; but White, by the interest of Raleigh, presently obtained for three ships bound to the West Indies an exemption from an embargo which the queen had just laid, on condition that these ships should take out men and supplies for the colony at Roanoke. This condition was not very faithfully observed; only White was taken on board, and the ships remained so long cruising in the West Indies that it was the autumnal stormy season before they arrived on the Virginia coast. None of the colonists were any where to be found. The site of the settlement at Roanoke was inclosed by a strong palisade, but broken articles scattered about suggested the idea of violence and plunder. From an inscription carved on a tree, it was supposed that the colonists might have gone to Croatan, an island in the neighborhood; but, before search could be made, a storm arose, and the masters of the vessels, afraid to remain longer on so dangerous a coast, hastily set sail for England. Nor was any thing further ever heard of this unfortunate colony, the fate of which excited not a little commiseration.

The company to which Raleigh had made his assignment was content with occasionally sending a trading vessel to the coast. Among its members was Richard Hak-

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1590.

CHAPTER III.
1590. luyt, a prebend of Westminster, who took a great interest in the general subject of maritime adventure, and especially of American discovery, and who had just commenced the publication of a valuable collection of voyages. Through his interest, the sketches made by Wythe were delivered to De Bry, an enterprising German engraver and bookseller, by whom they were published in four separate editions, with an English, French, German, and Latin text—thus first exhibiting to the eyes of Europe the figures, dresses, and customs of the North American natives. De Bry also obtained and published the sketches of the painter Le Moyne, who had accompanied the ill-starred Huguenot expedition to Florida.

Raleigh's attempt to colonize Virginia has been commonly assigned as the era of the introduction of tobacco into England. Very soon after the discovery of America, the Spaniards had learned the luxury of that narcotic. Through the Moors of Spain, its use very soon spread to the Mohammedan nations of the East, among whom it seems to have become a great favorite long before it was much known in Europe. Commerce with Spain, or, perhaps, trading and privateering expeditions against the Spanish American settlements, first brought tobacco to England; but it does not appear to have attracted much attention till Raleigh made it fashionable. Lane's companions, who had learned from the Indians the practice of smoking it, brought home a quantity with them, and, under the impulse of Raleigh's example, smoking, or "drinking" tobacco, as it was then called, became the fashion among the courtiers. Its exhilarating and soothing effects were obvious; it was imagined, also, to possess great medicinal virtues. Its use gradually spread, the physicians, the Puritans, and presently King James, opposing it in vain. In the course

of the twenty or thirty years following, tobacco began to be a considerable article of commerce, and its use was not without a perceptible influence upon American colonization. CHAPTER
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It has often been asserted that these same colonists introduced the potato into England; but that must be a mistake. The history of the potato is somewhat obscure. It seems to have been derived from the cold plateaus of Peru. It was certainly known in Italy years before the planting of Roanoke. Among the vegetables described by Hariot as the produce of Virginia, there is none which can be taken for the potato—a root never cultivated by the North American Indians, and nowhere indigenous in North America, unless possibly somewhere in the Rocky Mountains. The mistake appears to have arisen from confounding this root with the batata, or sweet potato, which seems, indeed, to have been known and cultivated by the Indians of Virginia and Florida, and specimens of which Lane might have carried to England. These two roots, indeed, were long confounded by the English, who applied the name batata to both; indeed, a mistaken idea still prevails in the English colonies that they are the same plant, varied only by change of climate. It was not till the middle of the last century that the potato began to be extensively cultivated as an article of food.

After years of blood and confusion in France, occasioned by the civil war between the Catholics and Protestants, peace was once more restored to that country by the reconciliation of Henry IV. to the pope, and the publication of the Edict of Nantes, by which the Huguenots were secured in the enjoyment of their civil rights and religious opinions. Under the administration of the judicious Sully, commerce revived. Even during the wars, a valuable fur trade to the American coast had been

CHAPTER III gradually established. The northern regions, abounding
 _____ in furs, seemed of greater commercial value than the
 1598. country further south; and the Marquis de la Roche, a nobleman of Brittany, presently obtained a commission to conquer CANADA, and other adjacent countries "not possessed by any Christian prince."

To find men for this enterprise, La Roche was authorized, as Robertval had been, to sweep the jails. A colony of forty convicts was established on the miserable Island of Sables, some of whom remained seven years on that inhospitable sand-bank, subsisting on fish, and clothed in seal-skins.

On the death of La Roche, Chauvin, a naval officer,
 1600. obtained a similar commission. He formed a connection with Pontgravé, a merchant of St. Malo, who for years had been concerned in the fur trade, making profitable voyages to Tadousac, at the entrance of the Saguenay
 1601. into the St. Lawrence. Chauvin died a year or two after, when M. de Chatte, governor of Dieppe, obtained a commission as governor of Canada, and, in conjunction with Pontgravé, formed a company of merchants to carry on the traffic. The name Canada was originally confined to the district on the south bank of the St. Lawrence, opposite the mouth of the Saguenay, but was ultimately extended so as to include the whole interior territory watered by the St. Lawrence and its tributaries.

A few English vessels visited, meanwhile, the coast of Virginia, principally in search of sassafras, then becoming fashionable as a medicinal drug. Hitherto, ships bound on that voyage had taken a roundabout course by the
 1602. West Indies; Bartholomew Gosnold, master of a small vessel in the employ of Raleigh's assignees, avoided that unnecessary circuit. Pursuing a more direct course, in seven weeks he made land, far to the north of Roa-

noke. Turning southward, he discovered, landed on, and named *Cape Cod*. Keeping still to the southward and then to the westward, he passed the islands now known as Nantucket and Martha's Vineyard, but preferred to land on the westernmost of the little group of the *Elizabeth Islands*, to one of which he first gave that name. On a rocky islet in the midst of a pond he built a fort and store-house, intending to leave a few men to keep possession. The lading of the ship was soon completed, principally with sassafras gathered on the island, to which were added furs purchased on the main land of the Indians, with whom a friendly intercourse was opened. When the ship was laden and ready to sail, those who were to remain lost heart; all embarked, and a prosperous voyage of five weeks carried them to England.

The coasts and islands visited by Gosnold were not remarkable for fertility; but that navigator, having seen them in all the fresh verdure of June, gave a very flattering account of his discoveries, and, at the instance of Hakluyt, some merchants of Bristol sent two vessels, under Martin Pring, to collect sassafras and to pursue the exploration. Pring entered *Penobscot Bay*, and, coasting southerly, discovered the harbors of *Kennebunk*, *Agamenticus*, and *Piscataqua*, whence he traced the coast as far south as Martha's Vineyard. One ship was laden with sassafras, the other with furs and skins purchased from the natives. The pecuniary results of this voyage proved very satisfactory to the undertakers.

During these explorations by Gosnold and Pring, Pontgravé, in the employ of the French company to which he belonged, made a new voyage to the St. Lawrence, having as a companion Samuel Champlain, afterward for many years governor of Canada. They ascended as high as Hochalaga; but the Indian village which

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1603.

June.

CHAPTER III. Cartier had found on that island was no longer in existence.

1603. Returning to France, they found De Chatte dead, and a patent or commission issued to Pierre de Gast, Sieur de Monts, a Protestant gentleman of the king's bed-chamber, for a vast tract called ACADIE, including the whole of North America between the fortieth and forty-sixth degree of north latitude, from a point, that is, south of New York, as far northerly as Cape Breton. A monopoly of the fur trade within these vast limits was also secured.
1604. Four ships were soon fitted out by a company which De Monts formed; one under Pontgravé, to drive away interloping traders; another, to purchase furs in the St. Lawrence; and two others, commanded by De Monts in person, attended by Champlain and Poutrincourt, to select a site and to establish a colony. These two vessels touched first at La Hâve, a short distance south of the present town of Halifax, a harbor already known and frequented by the French fur traders. Following the shore to the southward, they doubled Cape Sable, and, tracing the coast to the northeast, they discovered and entered a beautiful harbor, surrounded by hills, and bordered by fertile meadows. Poutrincourt begged and obtained of De Monts a grant of this harbor, which he called *Port Royal*, now Annapolis. While De Monts followed the coast to the northeast to find an imaginary copper mine, Champlain, in search of a fit spot for settlement, explored the *Bay of Fundy*, discovered and named the River *St. John's*, entered *Passamaquoddy Bay*, and, ascending to the mouth of its tributary, the Schoodic, selected there for settlement a small island, which he called *St. Croix*, a name presently given to the river itself. He was joined by De Monts, the colony was landed, and a fort was built. But the site was ill chosen. Confined

to a small island, the settlers suffered much during the winter for wood, water, and provisions, and half the number died. De Monts set sail in the spring in search of a better situation. He looked into the Penobscot, which Pring had discovered two years before, entered the *Kennebec*, *Casco Bay*, and the *Saco*; and, following the track of Pring, examined the coast as far south as Cape Cod, which he called *Malabarre*. He landed on the cape, and had some thought of removing his colony thither, but was discouraged by the hostility of the natives. Additional settlers having arrived from France, he presently transferred his settlement from St. Croix to Port Royal. But even that situation was not wholly satisfactory, and Poutrincourt undertook, the next summer, a further exploration of the shores of Cape Cod. The natives, however, were still hostile; some of the French were slain; and it appeared dangerous to attempt the occupation of that coast. The complaints of the French fishermen and fur traders had procured, meanwhile, the recall of De Monts's commission; and, during the following winter, even Port Royal was deserted.

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The commerce with India, so long coveted, had at length been commenced by the English and Dutch, whose East India Companies, presently so famous, had just been incorporated. The hopes of a short western passage to India were not yet abandoned. Captain Weymouth, dispatched in search of such a passage by the Earl of Arundel, an enterprising nobleman of that day, had again entered and examined Penobscot Bay, within a few months after De Monts's visit. He carried with him to England five of the natives. Sir Ferdinando Gorges, governor of Plymouth, was beginning to feel a strong interest in American colonization. He took from Weymouth three of these Indians, whom he kept about him, and afterward

CHAPTER III employed, with some others who came into his hands, as
 _____ pilots and interpreters in his American enterprises.

1603. The recent accession of James I. to the English throne,

1604. and the peace which he negotiated with Spain, having put an end to privateering expeditions against the Spanish settlements, the attention of English merchants, navigators, and adventurers was now directed to more peaceful enterprises. Commerce and colonization took the place of piracy and plunder. Sir Walter Raleigh was in the Tower, attainted of high treason for his attempt to substitute Arabella Stuart instead of James I. as Elizabeth's successor. His patent being forfeit by his

1606. attainer, James I. granted a new charter, by which the
 April 10. American coast, between the thirty-fourth and the forty-fifth degree of north latitude—from Cape Fear to Passamaquoddy Bay—was set apart to be colonized by two rival companies, one composed chiefly of London adventurers, the other of residents in the west of England, especially at Plymouth and Bristol, at that time the chief seats of the west country trade. Liverpool, as yet, was an inconsiderable village, and the north of England a pastoral country.

The advancement of the Divine glory, "by bringing the Indians and savages resident in those parts to human civility and a settled and quiet government," was alleged as the principal motive of James's grant. The undertakers, however, looked chiefly to a gainful commerce and profitable returns.

By the provisions of the charter, the London Company, whose settlement was to be distinguished as the First Colony of Virginia, might plant any where between thirty-four and forty-one degrees of north latitude, or between Cape Fear and the east end of Long Island. The Plymouth Company, whose settlement was to be called the

Second Colony of Virginia, might plant any where between the thirty-eighth and forty-fifth degrees of north latitude, or between Delaware Bay and Halifax; but neither company was to begin its settlement within a hundred miles of any spot previously occupied by the other. Each colony was to extend along the coast fifty miles either way from the point first occupied, and from the same point inland and seaward, either way, one hundred miles, including all islands within that distance, and embracing ten thousand square miles of continental territory. A council, resident in each colony, to be composed of thirteen members nominated by the king, was to manage local affairs. No settlement was to be allowed inland of either colony without the express consent of its council. A "Council of Virginia," resident in England, its members also appointed by the king, was to exercise a general superintendence over both colonies.

The two companies were authorized to search for mines, paying the king a fifth of all gold and silver, and a fifteenth of all copper. They were empowered to coin money, to invite and carry over adventurers, to repel intruders, to levy duties for their own use during twenty-one years, and to export goods from England free of all imposts for seven years. Lands in the colony were to be held of the king, on the most favorable tenure; the colonists and their children to have all the rights of native-born Englishmen. If any of them committed robbery or piracy on vessels of other nations at peace with England, and, being required by proclamation, omitted to make full restitution, they might be put out of the king's allegiance and protection, and left to the spoil of the people they had plundered. This clause, borrowed from Gilbert's patent, and copied into several subsequent charters, evinces the prevalence of piracy in that age, and the very ineffectual means adopted to suppress it.

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A few months after the grant of this charter, James issued "Instructions for the government of Virginia," in 1606. which he appointed a council, as provided for in the Nov. 20. charter, to be increased or altered at the king's pleasure, and authorized to nominate and superintend the local councils, reduced by these instructions to seven members each. These seven were to choose a president from their own number, with power to suspend him or any counselor for good cause, and to fill vacancies till new appointments came from England; the president to have a double vote. It was made the especial duty of these councils to provide that "the true word and service of God, according to the rites and service of the Church of England, be preached, planted, and used in the colonies and among the neighboring savages." Tumults, rebellion, conspiracy, mutiny, and sedition, along with seven other offenses, all triable by jury, were declared capital; lesser offenses were to be tried summarily, and punished by the local councils at their discretion; all laws enacted by these councils not touching life or limb, to remain in force till set aside by the king or the council for Virginia. For five years after their first plantation, the trade and industry of the colonists were to remain a common stock, or "two or three stocks at the most," to be managed, in each colony, by a factor selected annually by the local council, and in England by committees appointed for that purpose. A knowledge of these provisions is necessary to make the early history of Virginia intelligible.

The French adventurers, meanwhile, were not idle. Poutrincourt obtained in France a confirmation of the grant he had received from De Monts; and, contemporaneously with the first enterprises of the London and 1607. Plymouth Companies, he established at Port Royal the

first permanent French settlement in America. The year after, Champlain, whom we have seen participating in the enterprises of Chauvin and De Monts, obtained an outfit from some merchants of St. Malo and Dieppe and planted on the St. Lawrence the post of *Quebec*. Being joined in the spring by Pontgravé, he united with a party of Hurons and Algonquins in a war expedition against the Iroquois or Five Nations, ascended the Sorrel, and, first of white men, entered and coasted the lake which still bears his name. A series of explorations presently followed, whence arose the French claim to that vast tract of interior America, comprehended, along with Canada and Acadie, under the general name of **NEW FRANCE**.

Almost cotemporaneously with the first French exploration of *Lake Champlain*, another celebrated discoverer was penetrating from an opposite direction toward the same point. Henry Hudson, an enterprising English navigator, who had made two voyages, in the employ of London merchants, in search of a north or northwest passage to India, not finding further encouragement at home, had passed over to Holland, where he obtained from the Amsterdam chamber of the Dutch East India Company a small vessel called the *Half Moon*, in which he undertook a third voyage. Hudson seems to have entertained the project of sailing directly across the north pole to India; but, finding his track to the north impeded by ice, he turned to the southwest; ran along the coast of Acadie; entered Penobscot Bay, where he traded with the Indians, and basely robbed them at his departure; made the land of Cape Cod, which he took for an island, and named *New Holland*; stretched thence to the entrance of Chesapeake Bay, where the London Virginia Company, as he knew, already had a colony;

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July

CHAPTER III. turned again to the north ; looked into the bay afterward called the Delaware ; and presently discovered and ascended the river now so familiarly known as the *Hudson*, but which he called "River of the Mountains." So far as is known, the Bay of New York had remained unvisited by Europeans since the time of Verrazzani. The natives on the banks of the river, struck with wonder at Hudson's vessels, were easily induced to a friendly intercourse, repaid by Hudson with reckless cruelty, like that which had disgraced his conduct at Penobscot.

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Aug.
Sept.

On her passage home the Half Moon entered an English port. The ship was at length allowed to depart ; but Hudson was detained by a royal order, and presently fitted out for a fourth voyage. Having penetrated into the great bay which still bears his name—though Cabot seems to have entered it a century before—he passed the winter frozen up in the ice. On his return homeward in the spring, his crew, provoked by his hard and stern temper, revolted, and set him adrift in an open boat with his young son and eight others.

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In virtue of the discovery made by Hudson while sailing under their flag, the Dutch, now fast coming forward as the leading commercial people of Europe, claimed the North American coast, under the name of *NEW NETHERLAND*, from the South Bay, which the English called the Delaware, as far east as Cape Cod, and, indeed, to Passamaquoddy Bay. Virginia, New France, and New Netherland thus overlapped each other ; and to the natural and inevitable difficulties of that colonization which now first began to be successfully attempted, were added territorial disputes, national rivalries, religious antipathies, and all the petty hatreds and jealousies of trade, conducted at that time on much narrower principles than at present.

CHAPTER IV.

SETTLEMENT OF VIRGINIA.

THE persons named in the charter of Virginia, as CHAPTER IV. founders of the London Company, were Sir Thomas 1606. Gates, Sir George Somers, Richard Hakluyt, and Edward Maria Wingfield. Others were persuaded, or had previously agreed to take part in the enterprise, especially Sir Thomas Smith, an eminent merchant of London, one of the assignees of Raleigh's patent, who was chosen treasurer of the new company. For every sum of £12 10s., about sixty dollars, paid into the company's treasury, the contributor was entitled to an hundred acres of land, and as much more when the first lot was cultivated. This was called "the adventure of the purse." Under the head of "personal adventure," whosoever emigrated to Virginia, or carried others thither at his own expense, was to be allowed an hundred acres for each person so transported. It was expected by this allowance not only to encourage the voluntary emigration of persons able to pay their own expenses, but to promote the transportation, at the expense of private individuals, of servants indented or bound for a term of years—a species of emigrants esteemed essential to the industry of the colony, and which we shall find as a distinct class in all the Anglo-American settlements. On all grants of land a quit-rent was reserved.

The company thus organized fitted out three vessels, under the command of Christopher Newport, who had

CHAPTER IV. acquired a maritime reputation by former expeditions against the Spaniards. One hundred and five men embarked in these vessels, destined to form the first colony of Virginia, but not very well selected for such a purpose. Of this small number forty-eight were "gentlemen," persons brought up to esteem manual labor as degrading. There were but twelve laborers, four carpenters, and a few other mechanics. The rest were soldiers and servants. The leaders were Wingfield, a merchant, one of those named in the charter as projector of the colony; Gosnold, whose voyage, already mentioned, had revived the spirit of colonization; Hunt, the chaplain; and John Smith, an energetic adventurer, the historian of the enterprise, in which he played a conspicuous part. While a mere boy, impelled by a restless spirit, he had left home, and, finding his way across Europe, had engaged in the Austrian service in the war against the Turks, still regarded, at that time, as the common enemy of Christendom. After many adventures, in which he gave repeated proofs of remarkable courage and resolution, Smith had returned to England, and, accidentally forming an acquaintance with Gosnold, entered with characteristic zeal into the scheme for colonizing Virginia.

The names of the future counselors to whom the government of the colony was to be intrusted were carried to Virginia a profound secret, carefully sealed up in a tin box, along with King James's instructions. Newport proceeded by way of the Canaries and the West Indies, and during the long passage cabals arose. Wingfield, jealous of Smith's reputation, accused him of a design to murder the council, usurp the government, and make himself King of Virginia; and on this extraordinary charge Smith was arrested, and kept in confinement during the remainder of the passage. Several weeks

were spent among the Caribbee Islands. Sailing thence in search of the coast of Virginia, a fortunate storm drove the vessels past Roanoke, and after a four months' passage from England they entered Chesapeake Bay. The two headlands at the entrance were named *Cape Henry* and *Cape Charles*, after the king's two sons. A party of thirty landing on Cape Henry, were attacked by five of the natives, and had two of their number wounded. Presently the ships came to anchor at old *Point Comfort*, at the mouth of a broad river or estuary. The sealed box was now opened, and the names of Wingfield, Newport, Gosnold, Smith, and three others were found in it, appointed to compose the council.

Nearly three weeks were employed in exploring the country, during which the vessels ascended the great River Powhatan, a principal tributary of the Chesapeake. The new comers were kindly received at several places by the natives, who now saw white men for the first time. A spot was chosen for settlement on the north bank of the river, about fifty miles from the bay—a peninsula which afforded, on the water side, good anchorage, and on the land side might be easily defended, but with a low and marshy situation unfavorable to health. This spot was called *Jamestown*, and the river soon became known as James, or King's River.

Exercising the powers conferred upon them by the royal instructions, the council excluded Smith, and chose Wingfield president. It was proposed to send Smith to England; nor was it without difficulty that he obtained the privilege of being tried in the colony. Meanwhile, with Newport, he explored James River as high up as the falls, where they were hospitably entertained by the great chief Powhatan. On their return, they found the colonists at Jamestown already in a quarrel with the na-

1607.
April 26.

CHAPTER IV. tives ; but this difficulty was soon arranged. Smith was
 1607. tried, and, being honorably acquitted by the jury, who
 levied heavy damages on Wingfield, his accuser, he was
 now, by the mediation of Hunt, restored to his seat in
 the council.

All that part of the present state of Virginia below the falls of the rivers was found by the English in the possession of native tribes of Algonquin speech, united in a confederacy, called by the settlers the *Powhatans*, plural of the name by which they distinguished the great chief at its head. This chief, "a tall, sour, athletic man, about sixty years old," who dwelt in a little village of some twelve wigwams near the falls of James River, already visited by Smith and Newport, was magnified by the colonists into the "Emperor of Virginia." The Powhatan confederacy embraced more than forty clans or petty tribes, scattered over a great space, living together in little hamlets, few of which had so many as two or three hundred inhabitants. James River, above the falls, was inhabited by the five tribes of the *Monicans*, generally hostile to the Powhatans, as were the *Mannahoacs*, a confederacy of eight tribes inhabiting the upper courses of the Rappahannoc and the Potomac. These two confederacies appear to have spoken dialects of the Wyandot language. The total population of the three confederacies, including all the Indians west of Chesapeake Bay, as far as the Blue Ridge, did not probably exceed fifteen or twenty thousand. But to the few English they appeared very numerous.

June. Shortly after Newport's departure, the colonists began to suffer from disease, aggravated by want of proper food. The water was bad ; their provisions, doled out in small allowances from the common store, consisted principally of wheat and barley heated and damaged on

the long voyage. To this they added crabs and sturgeon, with which the river abounded. The natives, sick of such visitors, began again to grow unfriendly. Disease was aggravated by melancholy and despair. From May to September half the colonists died, among others Gosnold, after whose death the council could hardly agree. Wingfield, the president, was accused of appropriating the best stores to his own private use, and of living in luxury while the others were starving. He attempted to escape from the unfortunate colony in a bark which Newport had left, but was detected, deposed from his office of president, and, along with Kendall, one of his confederates, was expelled the council. That body was now reduced to three members, the vacancies occasioned by the departure of Newport, the death of Gosnold, and the recent expulsions remaining unfilled. Ratcliffe, the new president, was inefficient, and the management of affairs fell chiefly into the hands of Smith. Inspiring his companions with a portion of his own energy, he induced them to build a palisadoed fort as a protection against the Indians, and to erect huts for the winter. As the season approached for gathering the Indian corn, with a few attendants he visited the neighboring tribes, and by presents and caresses among the friendly, and open force upon the unwilling, obtained a much-needed supply. Plots still continued to be formed by Wingfield, Kendall, and others, for leaving the colony, and a rencounter presently took place, in which these plotters were defeated, and Kendall was killed. As winter set in, abundance of game and wild fowl dissipated all apprehensions of famine.

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Dec.

Matters thus in a more favorable train, Smith set out to explore the Chickahominy, a tributary which entered James River a little above Jamestown. No just ideas

CHAPTER were yet entertained as to the breadth of the continent,
IV.

1607. which was still believed to be as narrow at the north as it was known to be in Mexico. The colonists were specially instructed to seek for a passage to the South Sea; and it was thought that possibly the Chickahominy might lead thither. Having ascended as high as he could in his barge, Smith followed up the stream in a canoe, with two colonists and two Indians for companions, and when the canoe would float no longer, he left the two colonists to guard it, and struck inland with a single Indian as a guide. Set upon unexpectedly by a large party of natives, who had already surprised and killed the two men left to guard his canoe, Smith bound his Indian guide to his arm as a buckler, and made a vigorous defense, killing three of his assailants; but as he retreated backward, he presently sank into a miry swamp, and was taken prisoner. His captors would have killed him, but he amused them with a pocket compass. Carried in a sort of triumph through several villages, he was taken before Powhatan, the same chief whom he had visited in company with Newport. An attempt was made to engage his services—at least so Smith understood it—in surprising the colonists at Jamestown. Having failed in this, after much consultation it was resolved to put him to death. He was dragged to the ground, and his head placed upon a stone; Powhatan raised a club to dash out his brains, when Pocahontas, the sachem's favorite daughter, a child ten or twelve years old, rushed through the crowd, clasped in her arms the head of the victim, and, resting her own upon it, averted the fatal blow. His life was saved; many new ceremonies passed between him and the Indians, and after seven weeks' captivity, accompanied by
1608. twelve Indian guides, he was sent back to Jamestown.
January.

He found the colony reduced to thirty-eight persons, wholly discouraged and disheartened, and some of them again planning an escape in the bark. For the third time, mingling threats and entreaties, he induced them to remain, and having procured from the Indians, with whom he was now in great favor, abundance of provisions, he maintained plenty in the colony till Newport arrived, bringing supplies, and a hundred and twenty new settlers. But of the two ships of which this expedition consisted, one was driven by rough weather to the West Indies, and thus kept back for several weeks.

This new company were much the same sort of people who had composed the first colony, vagabond gentlemen, unaccustomed to labor and disdainful of it, with three or four bankrupt London jewelers, goldsmiths, and refiners, sent out to seek for mines. In a small stream near Jamestown they presently discovered some glittering bits of yellow mica, which they mistook for gold dust. Every thing else was now neglected; there was no thought nor conversation but about digging, washing, and refining gold. Newport, whom Smith describes as "empty, idle, timid, and ostentatious," proceeded up the river to visit Powhatan, and deliver to him some presents he had brought. His ship was thus kept waiting, the crew trenching on the supply of provisions, diminished also by an accidental fire, which destroyed the store-house and most of the huts. At last Newport's ship set sail for England, laden with fancied wealth. Wingfield and some of his partisans went in her. Martin, one of the counselors, returned to England in the other vessel, to claim the reward promised to the first discoverer of a mine. With much difficulty, Smith prevailed to load that vessel with cedar, which, with a quantity of skins and furs, constituted the first valuable remittance from

CHAPTER IV. Virginia. - Martin's place in the council was supplied by Scrivener, who had come out in Newport's vessel.

1608. While the colonists rebuilt their huts and tended their corn-fields, Smith employed himself in the exploration of Chesapeake Bay, for which purpose he made two voyages in an open boat of five tons, attended by a surgeon, six gentlemen, and five soldiers. He explored the numerous rivers and inlets, especially on the west side of the bay; entered the Susquehanna, the Patapsco, and the Potomac, all of which he ascended to their first falls; and, after sailing more than three thousand miles, drew the first chart of the Chesapeake, which was transmitted to England, and presently published, with a description of the country. Smith found the Susquehannas, and other Indians at the head of the bay, already in possession of iron hatchets, obtained probably by way of Canada from the French fur traders in the St. Lawrence. These Indians lived in constant terror of the formidable Massawomacs, no doubt the Iroquois or Five Nations. Smith himself met with a party of that dreaded race returning in canoes from a war expedition. After visiting the Mannahoacs at the head of the Rappahannoc, and, in a second expedition, the Nansemonds and Chesapeakes at the south part of the bay, he returned to Jamestown with a cargo of corn. The settlers now also gathered the first corn of their own planting.

Sept.

On his return from his second voyage of exploration Smith became president of the council, an office held for some time previously by Scrivener, to whom the sick and inefficient Ratcliffe had yielded it.

Newport arrived soon after with seventy additional people, among whom were two new counselors and two women, the first who visited the colony. There came, also, eight Poles and Germans, sent to teach the art of

making pitch, tar, potashes, and glass. The officers of the company wrote by this opportunity in an angry strain. They were much disturbed by a story, started probably by Wingfield and the other returned emigrants, that the starving and discontented colonists, who desired nothing so much as to get away, intended to seize the territory of Virginia, and to divide it among themselves. They expressed great dissatisfaction that their heavy outlays had yet produced no adequate return; and Newport brought special orders to obtain certain intelligence of a passage to the South Sea, to send home a lump of real gold, or to find some of the lost company formerly planted on the Island of Roanoke. Unless valuable commodities were remitted sufficient to pay the expense of this voyage, amounting to £2000, about \$10,000, the colonists were threatened to be left to shift for themselves, "as banished men."

Resolved to make the best of such materials as he had, Smith exerted his authority with vigor. The gentlemen, taught to wield the axe, and converted into dexterous woodcutters, were employed in preparing a cargo for the ship. To eat, they must work. The common store from which the colonists were fed was mainly dependent on corn purchased from the Indians with goods sent out by the company. Newport again visited Powhatan, carrying as presents a scarlet cloak and gilded crown. He wished to engage that chief to assist him in exploring the country of the Monicans above the falls of James River, and, notwithstanding Powhatan's refusal, he undertook an expedition for that purpose, from which he returned with some specimens of alleged silver ore, his men starving, sick, and dispirited. Great exertions now became necessary to secure a supply of provisions. Contributions were levied on the neighboring

CHAPTER
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Indian villages. Smith also visited Powhatan for the same purpose, but found him hostile and treacherous.

1608. Again he was saved by Pocahontas, who came through a storm at midnight to inform him of his danger.

At length Newport's vessel was dispatched with a cargo of wainscot and clapboards, and specimens of tar, pitch, and potashes, prepared by the Germans. Smith wrote, in reply to the complaints of the company, that it were better to send out thirty working men than a thousand like the present colonists.

Whatever disappointment might be expressed in their letters to Virginia, the London Company put a good face upon matters at home. Means were taken to make the speculation popular, and the number of adventurers was greatly increased. Besides many noblemen, knights, gentlemen, merchants, and wealthy tradesmen, most of the incorporated trades of London were induced to take

1609. shares in the stock. A new charter was also obtained, May 23. by which the enterprise was placed upon quite a new footing. "The Treasurer and Company of Adventurers and Planters of the City of London, for the First Colony in Virginia," were made a corporation, its affairs to be managed by a council, of which the first members were named in the patent; but all vacancies were to be filled by the stockholders, who were also empowered to choose the treasurer, the chief executive officer of the company. To this corporation was granted a territory extending two hundred miles north from old Point Comfort, the same distance south, and west to the Pacific. The local council of the colony, distracted as it had been by cabals and personal jealousies, the universal fate of a divided executive, was superseded by a governor, to be appointed by the company's council in England, and to have the sole superintendence of local affairs. That same

council was also empowered to make laws for the colony, conformable, however, "as near as might be," to those of England—a restriction inserted into all subsequent charters, and, independently of any charter, a fundamental limitation on colonial legislation. To guard against the intrusion of Romish superstitions, the Oath of Supremacy was to be taken by all persons arriving in the colony. Under this new charter Lord De la War was appointed governor, with a lieutenant governor, admiral, vice-admiral, high marshal, and other high-titled officers, all for life.

Lord De la War's affairs detained him for some time in England; but a fleet of nine vessels set sail at once, with five hundred colonists on board. Newport, again admiral, was authorized, jointly with Sir Thomas Gates and Sir George Somers, to administer the government till Lord De la War's arrival. Not able to agree about precedence, these three commanders embarked in the same vessel, and, in a violent storm which dispersed the fleet, they were cast ashore on one of the Bermudas. The other ships, except one which was lost, arrived safely in James River. Most of the new comers were of the same sort with those formerly sent out, poor gentlemen, indolent, dissolute, and insubordinate, or else broken tradesmen, "fitter to breed a riot than to found a colony." The old system had been abrogated; but, owing to the non-arrival of the three commissioners, there was no person in the colony authorized to act under the new charter. The new comers disputed the authority of Smith, who struggled, however, to maintain his power, in which, indeed, he was justified by the express provisions of the new charter, which continued the old government until the new one should be formally organized. To rid himself in part of these troublesome guests, he established two

CHAPTER new settlements, one at the falls of James River, the
 IV. other at Nansemond, near the present site of Norfolk.

1609. These settlers conducted with great insolence, and soon involved themselves in dispute with the neighboring Indians. Smith quieted matters for the moment; but the colony soon lost his valuable services. Severely wounded by the accidental explosion of his powder-bag as he was sleeping in his boat, he was obliged to return to England, in one of the newly-arrived vessels, for surgical aid. He left near five hundred persons in Virginia, well supplied with arms, provisions, and goods for the Indian traffic. Jamestown had a fort, church, store-house, and about sixty dwelling houses, with a stock of hogs, goats, sheep, fowls, and a few horses; but the cultivated land, the produce of which went into the colony store, was limited to thirty or forty acres. The main resource for food was corn purchased or extorted from the Indians, and dealt out from the common store.

At Smith's departure, the better part of the colonists solicited Captain Percy, one of the original settlers, of the noble family of that name, to act as president; but he was confined to his bed by sickness, and his authority was not respected. The colonists gave themselves up to riot and idleness. They wastefully consumed the store of provisions, killed the stock, traded away their arms
 1610. with the natives, and presently suffered severely from famine. Ratcliffe, with a numerous party, on a trading expedition for corn, was waylaid by the Indians, and cut off with all his company. Many stragglers, wandering about in search of food, suffered the same fate. A company of thirty seized a small vessel belonging to the colony, and sailed away to turn pirates. In the traditions of Virginia, this period was long remembered as the *Starving Time*. In six months there were only sixty

persons remaining, and those so feeble, dejected, and destitute, that, without aid, they could not have survived for ten days longer.

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1611.

May 26.

At this critical moment, Newport, Gates, and Somers, with an hundred and fifty men, arrived from Bermuda, in two small vessels built of the cedar of that island and the fragments of their stranded ship. Even shipwreck had not reconciled the jealous commissioners, who had formed two parties, and had built separate vessels. They had been fortunate in saving tools and stores; the islands abounded in turtle, the fat of which, mixed with lime, served to pay the seams, and to make their vessels water-tight; there was also a great abundance of wild hogs—a timely supply to these shipwrecked adventurers. Arriving from such a land of plenty, the new comers were horror-struck at the starving condition of the colony. They had themselves but sixteen days' provisions. It was resolved to abandon Virginia, and to sail for Newfoundland, there to seek food and a passage home from the fishermen. So great was the disgust of the disappointed colonists, that on leaving Jamestown they were hardly restrained from setting fire to the buildings. As they descend the river, a boat is seen coming up. It is Lord De la War, the governor, just arrived from England, with three ships, bringing provisions and colonists. He persuaded the fugitive settlers to return to Jamestown, where he entered ceremoniously upon his office with a speech from himself and a sermon from his chaplain. Somers sailed to the Bermudas for hogs, and died there, leaving his name to the islands. Captain Argall, who had visited the colony in a private trading ship, was sent to the Potomac to buy corn of the Indians. De la War established a post at Kiquotan, now *Hampton*, at the entrance of James River.

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 In punishment of injuries inflicted by the Indians during the late distressed state of the colony, he attacked
 1611. and burned several of their villages, but was repulsed when he attempted to renew the settlement at the falls. Taken sick, he presently returned to England, leaving Percy as his deputy. The colony now consisted of two hundred men.

Sir Thomas Dale presently arrived with three ships, some cattle, and three hundred settlers, and, in De la War's absence, assumed the government. He brought with him a printed code of laws, harsh and strict, compiled by Sir Thomas Smith, the treasurer of the company, chiefly from the Dutch Articles of War. This code remained for eight years the law of the colony, additional regulations being from time to time added by proclamations of the governor.

1612. Dale established a new plantation up the river, inclosed by a stockade, and called *Henrico*, after the king's eldest son. Another settlement, called *New Bermuda*, was established at the junction of the Appomattox with the James. The Indians who dwelt there were driven away, and a stockade from river to river inclosed a considerable extent of ground. To all the indented servants of the company, Dale assigned three acres each to cultivate on their private account, for which purpose time was allowed them equivalent to a month annually. To those at New Bermuda still more favorable terms were allowed. They were to pay a yearly rent in corn in lieu of all service—a method which seems to have been ultimately adopted with all the indented servants of the company. Dale was presently superseded by Sir Thomas
 August. as Gates, who arrived from England with six ships, three hundred and fifty people, and a supply of cattle sheep, goats, and hogs.

The heavy outlay since the new organization of the company, without any return, gave occasion to loud complaints on the part of the stockholders. They seem very unreasonably to have looked to the colony as an immediate source of mercantile profit. The returned emigrants had brought back many unfavorable reports; and Virginia, late the theme of such romantic hopes, fell into very bad repute. It was sneered at on the stage; even the abandonment of the enterprise was openly talked of. Something must be done to appease these discontents; and a supplementary charter was obtained, under which the control of the company's affairs was taken from the council and given to the body of the stockholders, who were to hold a great and general court once in each quarter for more important business, besides meetings weekly or oftener for smaller matters. The Bermudas were also annexed to Virginia; but these islands soon passed into the hands of a particular association, and were occupied by a separate colony. The supplementary charter also authorized the company to raise money by lotteries, now introduced into England for the first time. About £30,000, near \$150,000, were subsequently raised by this means.

Captain Argall, again in Virginia with two ships on private account, in a new expedition to the Potomac to trade for corn, found Pocahontas there, of whom the colonists had seen nothing for two years. With the assistance of the chief of that district, whom he bribed with a brass kettle, he enticed the Indian girl on board his ship, and carried her to Jamestown. Powhatan demanded the release of his daughter, but the colonists refused to give her up except in exchange for some German servants who had deserted to the Indians, and the English tools and arms of which Powhatan's people

- CHAPTER IV. had possessed themselves, by purchase as they alleged, but, as the English said, by theft. The Indian chief declined these terms, and vowed revenge, but was appeased by a fortunate circumstance. John Rolfe, a young colonist of respectable condition, having won the favor of the Indian maid, was encouraged by the governor to ask her in marriage. Her father willingly consented. He did not care, indeed, to trust himself in Jamestown, but he sent two of his principal warriors as his representatives at the marriage ceremony. The young bride was baptized, and by means of this connection a good understanding was established with Powhatan. As yet there were few, if any, white women in the colony; yet Rolfe's example was not followed. Intermarriage was urged by the Indians as the only test of sincere friendship; and such a course, as a native historian of Virginia has remarked, might have prevented the subsequent Indian wars, and gradually have absorbed the native inhabitants into the growing body of white colonists. But the idea of such an intermixture was abhorrent to the English, who despised the Indians as savages, and detested them as heathen. They would receive them only as subjects. The Chickahominies, who dreaded the power of Powhatan, agreed to acknowledge the superiority of the colony, and to pay an annual tribute of corn; but Dale, who resumed the government on Gates's departure, found it necessary to use force to extort even the first payment.
1613. Sailing to the eastward on a fishing voyage, in company with a number of other English vessels, Captain Argall broke up a little station called *St. Saveur*, on the island of Mount Desert, not far from Penobscot Bay, which two Jesuit missionaries from Port Royal, dissatisfied with their treatment there, had just established, by assistance of a pious lady of France. Some of the

Frenchmen were allowed to seek a passage home in the French fishing vessels; the others were carried to Virginia; among the rest, one of the Jesuits, the other having been killed in the attack. CHAPTER
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1613.

With three vessels and sixty men, piloted by his Jesuit prisoner, Argall soon after visited Port Royal, which he burned; but the dispersed settlers found shelter in the woods. On his homeward voyage the English commander entered the mouth of the Hudson, and compelled the Dutch traders, lately established on the island of Manhattan, to acknowledge the authority of the English. England was at peace both with France and Holland, but the English claimed all that coast as a part of Virginia. This expedition, forerunner of future bloody contests for the possession of North America, had no immediate results. Upon the departure of Argall, the Dutch flag was again hoisted at Manhattan. The French also re-established themselves at Port Royal, where they continued to carry on a prosperous fur trade; and they soon occupied other points of the neighboring coast. Nov.

By the original proposals of the company, all persons coming to Virginia, or transporting others thither, were entitled, for each person so introduced, to an hundred acres of land. This allowance was now limited to fifty acres, at which amount it remained fixed so long as Virginia continued a British colony, subject, like all grants of land in Virginia, to an annual quit-rent, at the rate of two shillings for every hundred acres. Most of the indentured servants of the company were now settled as tenants at a corn-rent. The governor had for his support a plantation cultivated by an hundred of these tenants; and the salaries of other colonial officers were paid by similar assignments. Besides the grants to actual settlers, the members of the company had received large

CHAPTER IV. tracts of land in consideration of their payments into the treasury ; and other large grants had been made for mer-

1615. itorious services, real or pretended. This engrossment of lands very early became a subject of complaint in the colony. Meanwhile, the cultivation of corn had so increased, that, from buyers, the colonists became sellers to the Indians. They also had turned their attention to the cultivation of tobacco. The Virginia tobacco, though esteemed far inferior to that of the West Indies, sold, however, for three shillings, nearly three quarters of a dollar, per pound ; and, stimulated by this high price, the colonists entered into its cultivation with such extreme zeal as soon to be in danger of a dearth of provisions.

1616. Dale, who had resumed the government after the departure of Gates, gave it up to George Yeardley, and, returning to England, took with him Pocahontas, known since her marriage as the Lady Rebecca. Her husband went with her, and several Indian followers ; among the rest, a chief sent by her father to count the people of England. Pocahontas attracted admiration by her modest and graceful demeanor, and was greatly caressed, being recommended to the queen's notice in a petition from Captain Smith, in which he recounted her services to the colony, and especially to himself. In those days, in which the genius of a Bacon worshiped at the feet of a James I., royalty even in a savage was thought to have something sacred about it, and Rolfe, we are told, came near being called to account for having presumed, being a mere private person, to marry a princess. To make some provision for him, he was appointed secretary to the colony, an office now first created. When about to return to Virginia, Pocahontas died, leaving an infant son, who was educated in England, and became afterward a prosperous person in the colony. Through him and his de-

scendants, the Bollands and Randolphs of Virginia have been proud to trace their pedigree from the Indian princess. CHAPTER
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By the influence of Lord Rich, afterward Earl of Warwick, a nobleman much engaged in nautical enterprises, and a large stockholder in the Virginia Company, but accused of sacrificing its interests to private trading speculations of his own, the office of deputy governor of Virginia was conferred on Captain Argall, already repeatedly mentioned, a kinsman of the treasurer, and an agent or partner in the speculations of Rich. 1616.

When Argall arrived at Jamestown to enter upon his office, he found the public buildings fallen to decay, and only five or six houses fit to be inhabited. The planters, who did not exceed four hundred in number, were chiefly employed in the cultivation of tobacco, and were scattered about as best suited their convenience. Argall governed with severity, and, as the colonists alleged, with a single eye to private emolument, assuming for his own use the goods of the company, and extorting labor and service in the company's name, but really for his own benefit. He caused the manager of the estate, which by right of his office appertained to Lord de la War, to be tried by martial law, under Sir Thomas Smith's harsh code, and to be condemned to death for disrespectful words. An appeal was allowed to the company, and along with it came loud complaints of Argall's misbehavior. De la War was earnestly entreated to resume the personal exercise of his authority; and with that intent he sailed for Virginia, but died on the passage off the entrance of the bay, already known among the English by his name. 1617.
May.

After a warm struggle in the company, Yeardley, the former deputy, was appointed governor, and, to give greater dignity to the office, the honor of knighthood was 1618.
April.

After a warm struggle in the company, Yeardley, the former deputy, was appointed governor, and, to give greater dignity to the office, the honor of knighthood was 1619.
January.

CHAPTER IV. obtained for him. Yeardley had orders to sequester the goods of Argall, and to make an inquiry into his conduct;

1619. but Lord Rich dispatched a vessel with timely notice to his confederate, and a few days before Yeardley's arrival, Argall escaped to the West Indies with his property. Presently he returned to England, but, through the support of his patrons, evaded all attempts to call him to account.

Another controversy had arisen which aggravated the dispute growing out of the conduct of Argall. Though Sir Thomas Smith had disbursed £80,000, nearly \$400,000, of the company's money, with all this expenditure and after twelve years' struggle there were but six hundred colonists in Virginia. Some fault was found with the treasurer's vouchers, and when he offered to resign the company took him at his word. At this he was very much offended, and a violent quarrel ensued between his friends and opponents.

April 28. The vacant post of treasurer was conferred on Sir Edwin Sandys, a man of energy and liberal ideas, who entered with zeal on the discharge of his office. The holders of grants of land in Virginia were induced to send out settlers, and to establish plantations at their private expense. The cultivation of tobacco seemed to promise a profitable return; and the vessels engaged in the Newfoundland fisheries were availed of to transport the emigrants at a moderate cost.

Yeardley found in the colony seven distinct plantations, to which he presently added four more, composed of new emigrants. At the head of each plantation was a commandant, at once chief of the militia and civil magistrate. The tyranny of Argall had induced the company to re-establish a local council as a check upon the governor, and Yeardley presently called the first colonial assembly of Virginia, composed of the governor, the council, and

deputies from the eleven plantations. These deputies were called burgesses—a name which they continued to retain after the representation was distributed by counties. The acts of this assembly are not extant, but they are said to have given great satisfaction. Another popular measure, suggested by the extortions of Argall, was a full release, on the part of the company, of all claims of service from any of the old planters.

During the year that Sandys held office, he sent to Virginia twelve hundred emigrants—twice as many as there were inhabitants in the colony when he became treasurer. Among them were ninety young women, “pure and uncorrupt,” who were disposed of for the cost of their passage, as wives to the planters. The price of a wife was an hundred pounds of tobacco, worth then about seventy-five dollars. But half as much more was obtained for those of a second cargo sent out a year or two after.

There were other emigrants of a sort less desirable. By the king’s special order, an hundred dissolute vagabonds, the sweepings of the prisons, familiarly known among the colonists as “jail-birds,” were sent to Virginia to be sold as servants—a practice long continued as a regular item of British criminal jurisprudence, in spite of the repeated complaints of the colonists, and their efforts to prevent it.

By the free consent and co-operation of the colonists themselves, another and still more objectionable species of population was introduced into Virginia, not without still enduring and disastrous effects upon the social condition of the United States. Twenty negroes, brought to Jamestown by a Dutch trading vessel, and purchased by the colonists, were held, not as indented servants for a term of years, but as slaves for life.

Even so late as the first English migrations to Amer-

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1620. ica, there might have remained, in obscure corners of England, some few hereditary serfs attached to the soil, faint remnants of that system of villanage once universal throughout Europe, and still prevalent in Hungary and Russia. But villains in gross—slaves, that is, inheriting from their parents the condition of servitude, and transferable from hand to hand—had entirely disappeared from England, not by any formal legislative act, but as the joint result of private emancipations and the discouragement long given by the English courts to claims so contrary to natural right. It had come, indeed, to be an established opinion throughout western Europe that Christians could not be held as slaves—an immunity, however, not thought to extend to infidels or heathen. The practice of buying negroes on the coast of Africa, introduced by the Portuguese, had been adopted by the Spanish, English, and Dutch. There was little inducement to bring them to Europe, where hired laborers might be abundantly obtained; but in the Spanish and Portuguese colonies in America, especially after the introduction of the sugar manufacture, the slave traders found a ready market, and the cultivation of tobacco began now to open a like market in Virginia. In buying and holding negro slaves, the Virginians did not suppose themselves to be violating any law, human or divine. Whatever might be the case with the law of England, the law of Moses, in authorizing the enslavement of “strangers,” seemed to give to the purchase of negro slaves an express sanction. The number of negroes in the colony, limited as it was to a few cargoes, brought at intervals by Dutch traders, was long too small to make the matter appear of much moment, and more than forty years elapsed before the colonists thought it necessary to strengthen the system of slavery by any express enactments.

After a year's service Sandys was succeeded as treasurer by the Earl of Southampton; but the same policy was persevered in, and during the two following years twenty-three hundred immigrants were sent to Virginia. The trade of the colony had hitherto been a close monopoly. A joint stock, called "The Magazine," had been annually formed by subscriptions on the part of the company and its members, and goods had been purchased with this joint stock and sent to an agent in the colony, known as the "Cape merchant," who exchanged them for tobacco and other produce. This trade had proved a losing concern, and had occasioned great disputes and dissatisfaction. It was now abandoned, and the supply of the colony thrown open to private enterprise.

With this access of population, new plantations were established on James and York River; and some adventurers, for convenience of trade with the Indians, fixed themselves on the Potomac. It was about this time that John Pory penetrated across the neck of land which separates the Potomac from the Patuxent. He also explored the country south of the Chesapeake, as far as the banks of the Chowan.

An estate of ten thousand acres near the falls of James River, with a number of indented tenants to cultivate it, was assigned by the company toward the endowment of a college for the education of Indians as well as of colonists. The money contributed for the same object by some philanthropic individuals in England was invested by the treasurer in the establishment of iron works, from which great benefits were hoped to the colony, and increase to the fund.

The cultivation of tobacco had given a sudden impulse to Virginia; but the use of it was still quite limited, and the English market was soon overstocked. The

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price began to fall, and great anxiety was evinced by the enlightened treasurer for the introduction into the colony of other staples—flax, silk, wine, and the preparation of lumber. New attempts were made at the manufacture of glass, pitch, tar, and potashes, and some Italians and Dutch were sent out to instruct the colonists in these operations.

That leaven which presently produced so remarkable a revolution against monarchical authority was already working in England, and James's third Parliament, which met after an interval of seven years—the same which impeached Lord Bacon—protested against the Virginia Company's lotteries as an illegal raising of money without parliamentary sanction. The lotteries were stopped in consequence by order in council, and that resource came to an end. The colony still remained a losing concern. The disputes between the adherents of Sir Thomas Smith and the present administration grew every day more vehement. The stockholders had become quite numerous, and the affairs of the company gave rise, in the courts of proprietors, to very lively debates. The king wished to dictate the choice of a treasurer more courtly than Southampton, and less an opponent of royal prerogative. The farmers of the customs attempted to levy an excessive duty on tobacco, and the company, to escape it, sent theirs to Holland. An order in council forbade the exportation of colonial produce to foreign countries unless it had first paid duties in England—the first germ of that colonial system afterward sanctioned by parliamentary enactment, and one of the principal features in the subsequent relations of the mother country to the colonies. Other orders in council, more favorable to Virginia, but having in view the same object of augmenting the royal revenue, pro-

hibited the importation of Spanish tobacco, or its cultivation in England. CHAPTER
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Southampton and his adherents in the Virginia Company belonged to the rising party in favor of parliamentary and popular rights as opposed to the royal prerogative. With more conformity to their principles than is always displayed in like cases, they induced the company to confirm, by special ordinance, the privilege of a General Assembly, already conceded to the colony by Yeardley, probably at their suggestion. This ordinance, sent out by Sir Francis Wyatt, appointed to supersede Yeardley as governor, granted a constitution to Virginia, modeled after that of the mother country, and itself the model, or at least the prototype, of most of the governments of English origin subsequently established in America. For the enactment of local laws, the governor and council appointed by the company were to be joined by delegates chosen by the people, the whole to be known as the General Assembly. For many years they sat together as one body, but for the passage of any law the separate assent of the deputies, the council, and the governor was required. Even enactments thus sanctioned might still be set aside by the company. The governor and council acted as a court of law, and held quarterly sessions for that purpose; but an appeal lay to the General Assembly, and thence to the company. The laws of England were considered to be in force in the colony, the colonial legislation extending only to local matters.

Simultaneously with this civil constitution an ecclesiastical organization was introduced. The plantations were divided into parishes, for the endowment of which contributions were collected in England. A glebe of an hundred acres, cultivated by six indented tenants, was

CHAPTER allowed by the company to each clergyman, to which
IV. was added a salary, to be paid by a parish tax. The
1621. governor was instructed to uphold public worship according to the forms and discipline of the Church of England, and to avoid "all factious and needless novelties"—a caution, no doubt, against Puritan ideas, at this time much on the increase in England, and not without partisans even in Virginia.

A plantation of fifteen hundred acres, cultivated by fifty indented tenants, was assigned as a salary to the colonial treasurer; an office filled by George Sandys, known in English literature as the translator of Ovid, and for some years a resident in Virginia. A like salary was appointed for the marshal, the chief executive officer of law and police. Five hundred acres, with twenty indented tenants, were assigned to the colonial physician. When Wyatt came to take over the plantation which constituted, in whole or in part, the governor's salary, only forty-six tenants out of the hundred were found upon it—a deficiency, however, which Yeardley declined to make up.

The new governor was instructed to restrict the planters to a hundred weight of tobacco for each man employed in its cultivation; to turn the attention of the colonists to corn, mulberry trees, vines, and cattle; and to look after the glass and iron works. He was also to cultivate a good understanding with the natives; but this injunction, unfortunately, came too late.

Powhatan was dead. His successor was Opechanca-nough, a bold and cunning chief, always hostile to the English. Blood had several times been shed on both sides, especially in the earlier years of the colony, but as yet there had been no formidable or protracted hostilities. The colonists, confident in their fire-arms, re-

garded with contempt the bows and clubs of the Indians. CHAPTER
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The Indian villages, with their corn-fields of cleared lands, fertile spots along the banks of the rivers, offered tempting locations to the new comers. 1621.

Quite unsuspecting of danger from a people whose simplicity they derided, and whose patience they despised, the colonists had neglected their military exercises, and had dropped all precautions for defense. In disregard of the proclamations which forbade teaching the Indians the use of fire-arms, they were employed as fowlers and huntsmen by the colonists, and freely admitted to the plantations. Provoked by the murder of one of their principal warriors, and taking advantage of this carelessness and familiarity, at an hour 1622.
March 22

appointed beforehand they fell at once upon every settlement. A converted Indian gave warning the night before, in season to save Jamestown and a few of the neighboring plantations, otherwise the massacre might have been much more extensive. As it was, three hundred and fifty persons perished in the first surprise, including six counselors. Several settlements, though taken unawares, made a brave resistance, and repulsed the assailants.

A bloody war ensued, of the details of which we know little. Sickness and famine added their horrors, and within a brief period the colonists were reduced from four thousand to twenty-five hundred, concentrated, for convenience of defense, in six settlements. The university estate was abandoned, the glass and iron works were destroyed. But the white men soon recovered their wonted superiority. The Indians, treacherously entrapped, were slain without mercy. Driven from the James and York Rivers, their fields and villages were occupied by the colonists. Greatly reduced in number, they were soon disabled from doing much damage, but no settled peace was made till fourteen years had expired.

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- The breaking out of this war and the threatened ruin of the colony served to aggravate the dissensions of the company, which presently reached a high pitch. The minority appealed to the king, who ordered the records to be seized, and appointed commissioners to investigate the company's affairs. Other commissioners were soon after appointed, to proceed to Virginia, to examine on the spot the condition of the colony, the control of which the king had determined to assume.
1623. May. Oct. 1624. March. About the time of the arrival of these commissioners the first extant laws of Virginia were enacted. Thirty-five acts, very concisely expressed, repealed all prior laws, and shed a clear and certain light upon the condition of the colony. The first acts, as in many subsequent codifications of the Virginia statutes, relate to the Church. In every plantation there was to be a room or house "for the worship of God, sequestered and set apart for that purpose, and not to be for any temporal use whatsoever;" also a place of burial, "sequestered and paled in." Absence from public worship, "without allowable excuse," exposed to the forfeiture of a pound of tobacco, or fifty pounds if the absence continued for a month. The celebration of Divine service was to be in conformity to the canons of the English Church. In addition to the usual Church festivals, the 22d of March was to be annually observed in commemoration of the escape of the colony from Indian massacre. No minister was to be absent from his parish above two months annually, under pain of forfeiting half his salary, or the whole of it, and his cure also, if absent four months. He who disparaged a minister without proof was to be fined five hundred pounds of tobacco, and to beg the minister's pardon publicly before the congregation. The ministers' salaries were to be paid out of the first gathered and best tobacco

and corn; and no man was to dispose of his tobacco before paying his Church dues, under pain of paying double. CHAPTER
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1624.
The proclamations formerly set forth against drunkenness and swearing were confirmed as law, and the churchwardens were to present all such offenders.

The governor was to lay no taxes of any kind, except by authority of the assembly; and the expenditure, as well as levy of all public money, was to be by order of that body only. The governor was not to withdraw the inhabitants from their private employments for any work of his own, under any color; and if, in the intervals of the assembly, men were needed for the public service, the whole council must concur in the levy. The old planters, before Sir Thomas Gates's last coming, "and their posterity," were to be exempt from personal service in the Indian war except as officers—a provision afterward several times re-enacted, with the omission, however, of the hereditary clause. The burgesses were privileged from arrest going to, coming from, and during the assembly. For convenience of "the more distant parts," Elizabeth City, at the mouth of James River, and Charles City, at the junction of the Appomattox, monthly courts were to be holden by special commissioners, as an intermediate tribunal between commanders of plantations and the quarterly courts held by the governor and council. Every private planter's dividend of land was to be surveyed and the bounds recorded. To encourage the production of corn, its price was to be unrestricted, but all other prices were to remain as fixed by existing proclamations. In every parish was to be a public granary, to which each planter above eighteen was to bring yearly one bushel of corn, to be disposed of for the public use by the vote of the major part of the freemen, or, if not used, to be returned to the owner when the new bushel

CHAPTER IV. was brought in. Three sufficient men were to be sworn
 1624. in each parish, to see that every settler planted and tended
 corn enough for his family. All trade in corn with the
 Indians was prohibited. Every freeman was to fence in
 a garden of a quarter of an acre, for the planting of grape-
 vines, roots, herbs, and mulberry trees. Men were to be
 appointed in each parish to "censure" the tobacco—the
 first trace of the tobacco inspections. Ships were to break
 bulk only at James City. Weights and measures were
 to be sealed.

Every dwelling-house was to be palisadoed for defense ;
 and none were to go abroad, except in parties and armed,
 not even to work ; nor were the inhabitants of any
 plantation to go on board ships, or elsewhere, in such
 numbers as to leave their houses exposed to attack.
 Each commander was to keep his plantation supplied
 with arms and ammunition ; and watch was to be kept
 at night. No powder was to be spent unnecessarily at
 drinking frolics or other entertainments. Delinquent
 "persons of quality, not fit to undergo corporeal punish-
 ment," might be imprisoned by the commanders at their
 discretion, or fined by the monthly courts. Every plant-
 er who had not found a man for the castle was to pay
 for himself and servants five pounds of tobacco per head.
 At the beginning of July, the inhabitants of every plant-
 ation were to fall upon "their adjoining salvages," as they
 did last year. Any persons wounded in this service were
 to be cured at the public charge, and if permanently
 lamed, were to have a maintenance suitable to their qual-
 ity. To pay the expenses and debts occasioned by the
 war, ten pounds of tobacco per head were to be levied on
 each male colonist.

Evident allusion appears in this code to the controversy
 then pending between the king and the company. No

1624.

1625.

person, upon rumor of supposed change, was to presume to be disobedient to the present government, nor servants to their masters, "at their uttermost peril." The last law of the code levies a tax of four pounds of tobacco per head, to pay the expense of sending an agent to England to look after the interests of the colony, and to solicit the exclusion of foreign tobacco. The king's commissioners to examine into the state of the colony seem to have been looked upon with some suspicion; and the clerk of the assembly, for betrayal of his trust in furnishing them with copies of certain papers, was punished with the loss of his ears. The colonists had some reason to fear lest the recall of the company's charter might deprive them of their share in colonial legislation, so recently granted, or might even endanger their titles to land.

The reports of the commissioners were as unfavorable as the king could desire. In vain the stockholders appealed to James's fourth Parliament, then in session, little sympathy being felt in that body for monopolies or exclusive corporations of any sort. The action of the company suspended by proclamation, it was soon called upon to answer to a process of *Quo Warranto*—a legal inquiry, that is, into its conduct and pretensions. The respondents had little to hope from judges who held office at the pleasure of the royal complainant, and the proceedings were soon closed by a judgment of forfeiture. Thus fell the Virginia Company, after spending $\pounds 150,000$, nearly $\$750,000$, in establishing the colony. This did not include the expenditures of private individuals to a large amount, some of whom obtained, perhaps, a return for their money, while the outlay of the company was a dead loss.

The agent sent to England on behalf of the colonists died on his passage; but it was the policy of the king

- CHAPTER IV. to reconcile the inhabitants to the change, and in his instructions to Wyatt, whom he continued in office, the
1624. governor and council were restricted to such authority as they had exercised during five years past—the precise period since the ordinance of the company establishing an assembly. That body, accordingly, though no express mention was made of it in the royal instructions, continued to meet as before. When Charles I.
1625. shortly after succeeded to the throne, Wyatt's commission was renewed in the same terms. He soon obtained
1626. leave to return home, and Yeardley, the former popular governor, was appointed his successor. Upon Yeardley's
1627. death the next year, the council, under their power of filling vacancies till new appointments could be made from England, elected as temporary governor Francis West, a kinsman of Lord De la War.

A letter to the king, signed by West and his council, gives but an unfavorable account of the industry of the colony. The freight of staves and clapboards was too high to allow them to be exported at a profit; the persons sent out to plant and tend vines either did not understand the business or "concealed their skill;" the Indian war had broken up the iron works and the manufacture of potashes; while dangers from the Indians and difficulties of carriage made the production of tar and pitch unadvisable. Thus came to an end the repeated efforts and costly experiments, made at the late company's expense, for the introduction of various staples. The Indian war, still carried on with great animosity on both sides, and the want of enterprise, capital, and perseverance, so essential to the introduction of any new branch of industry, confined Virginia to the single staple of tobacco, justly denounced by one of her native historians as "a nauseous, unpalatable weed, neither of ne-

cessity nor ornament to human life." But it was of easy cultivation, the production of it might be engaged in with very little capital, and, though declining in price, it ensured a quick and certain return, and a supply of clothing and other imported articles essential to the colonists. The trade, however, in tobacco, apart from fluctuations in demand and supply, was very much at the mercy of the king. In hopes of an increase of revenue, he assumed to regulate it by frequent and sometimes contradictory proclamations. He even proposed to become the sole purchaser of tobacco at a stipulated price; but this proposal was rejected by the assembly.

Dr. John Potts, elected by the council, succeeded West as temporary governor, which office he held till the arrival of John Harvey, late one of the investigating commissioners, and now appointed to the government of the colony. Shortly after Harvey's arrival, his predecessor was tried by a jury of thirteen, of whom three were counselors, upon a charge of cattle-stealing. After one day spent in pleading, and another in "recriminations" and "unnecessary disputation," so the record informs us, the ex-governor was found guilty; but, "in regard of his quality and practice"—he was probably the colonial physician—sentence was respited till the king's pleasure could be known, all the council becoming his sureties. The result does not appear, nor, indeed, the ground of the verdict. Potts's name recurs no more as counselor, but he is subsequently mentioned as a creditor of the colony to whom payment is ordered; not, however, it is cautiously added, "till his account be produced."

Harvey built a fort at Point Comfort, at the entrance of James River, and, to supply it with ammunition, a fee or payment in powder and ball was demanded of every

CHAPTER ship that passed. The commander was authorized to
 IV. tender the oaths of allegiance and supremacy to all per-
 1630. sons arriving in the colony, and to send all vessels to
 Jamestown before they landed any part of their cargoes. Salt-works were also established at Accomac, on the eastern shore of Chesapeake Bay.

1632. The next matter of moment was a revisal of the laws, consolidating the whole into a single statute—a judicious process several times repeated in Virginia. In addition to the enactments of 1624, most of which were continued in force, the minister of each parish was required to keep a record, and the church-wardens to make an annual return of all marriages, christenings, and burials. The publication of bans, or a license, was required to authorize the celebration of a marriage; and in case of minors, the consent of parents and guardians. Ministers were to preach at least one sermon every Sunday, to administer the communion three times a year, to catechize the children, and visit the sick. They were not to give themselves “to excess in drinking or riot, spending their time idly by day or night, playing at cards, dice, or other unlawful games; but to read or hear the Holy Scriptures, or to employ themselves in other honorable studies or exercise, bearing in mind that they ought to be examples to the people to live well and Christianly.” Besides ten pounds of tobacco and a bushel of corn for every tithable in their parishes—including under that head all males over sixteen—the ministers were also to have the twentieth calf, pig, and kid, with fees for marrying, christening, and burying; but, so far as related to live stock, this provision was soon repealed. Defective churches were to be rebuilt and repaired; and religious ceremonies to be performed only in the churches. The church-wardens were to take an oath to present all who led pro-

fane and ungodly lives, common swearers and drunkards, blasphemers, adulterers, fornicators, slanderers, tale-bearers; all such as "do not behave themselves orderly and soberly during divine service," and all masters and mistresses delinquent in catechizing children and "ignorant persons" under their charge. Drunkenness was to be fined five shillings, and each oath one shilling. These provisions evince the powerful hold taken upon the English mind by those ideas which, under their more exaggerated form, obtained the name of Puritanism; ideas not without a powerful influence upon every Anglo-American colony, and very far from being so exclusively confined to New England as some have supposed.

Certain provisions against forestalling and engrossing contained in this code underwent, during the twelve years following, various modifications, when they were finally repealed and abandoned. It was also attempted by legislative enactments to limit the production of tobacco, improve its quality, and raise the price, which had now fallen to sixpence per pound. The English consumption of this article continued to increase; but the Virginians found a dangerous competition not only from the colony of Bermuda, but from the English planters lately established on the Island of Barbadoes, a settlement which had a very rapid growth, and soon surpassed Virginia in numbers. Other English settlers in the West Indies established themselves on St. Kitt's, Antigua, Montserrat, and Nevis, known as the Leeward Islands. French planters, about the same time, began to occupy part of St. Kitt's, Guadaloupe, and Martinique. The cultivation of tobacco was the main object in these first attempts to colonize the islands of the Caribbee group, which had remained till this time in possession of their native inhabitants.

To secure a supply of provisions, every planter was

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required, by a special clause of the new code, to cultivate two acres of corn per poll. Nor was the idea of other staples neglected; twenty vine-plants were to be cultivated for every tithable. No artificer or laborer, having undertaken a piece of work, was to abandon it unfinished, under penalty of a month's imprisonment, fine, and costs. Hides and skins were not to be exported. Wild hogs were not to be killed without a license. A bounty was offered for killing wolves. No person was to speak or parley with the Indians, and the commanders were to fall upon any who might be found lurking about the plantations. These commanders were to exercise their men on holidays, and to make an annual return of the whole population within their respective jurisdictions. Highways were to be laid out by the governor and council, by the monthly courts, or in each parish by a vote of the inhabitants. No master of a vessel was to carry out of the colony any person who had not given ten days' notice of his intention to depart, under penalty of paying his debts; nor was any person to emigrate to New England, or any other plantation, except by leave of the governor. The fees of public officers were regulated. The estates of all deceased persons were to be appraised, and, when they died insolvent, to be sold at auction.

This revised code was to be read at the beginning of every monthly court, the commissioners for which were to be furnished with a manuscript copy, open to public inspection. Such, for many years, was the only method of publishing the laws in Virginia.

These enactments relate only to local matters. So far as regarded personal rights, the rights of property, and the punishment of crimes, the law of England was in force in the colony. The assembly claimed no authority to legislate upon any of those subjects. Yet that

body exercised, upon some occasions, a pretty arbitrary power, of which we have an instance in an order for drafting every fortieth man in the colony to establish a settlement at *Middle Plantation*, half way from James to York River—subsequently under the name of *Williamsburg*, the capital of Virginia. CHAPTER IV. 1632.

Two years after, the colony was divided into eight counties — *Elizabeth City*, *Warwick*, *James City*, *Charles City*, and *Henrico*, along the north bank of James River; *Isle of Wight*, on the south bank; *York*, on York River; and *Accomac*, on the eastern shore. 1634.

Of the country north of the Chesapeake Bay, little was yet known. Harvey had a chart on which Delaware Bay was laid down; and to ascertain if there was a river there, he sent a sloop to explore it. This sloop never returned; but Harvey was informed, by the arrival, the next spring, at Jamestown, of Captain De Vries, in a Dutch yacht, that the Delaware Bay and River had been for some years frequented by Dutch traders. De Vries himself had sailed thither to engage in the whale fishery; but, finding that a settlement, established the year before near Cape Henlopen, had been destroyed by the Indians, and that an older Dutch fort higher up had been abandoned, leaving his ship to fish, he had come in his yacht to Jamestown to purchase corn. Harvey, in conversation with De Vries, to whom he showed all hospitality, stoutly maintained the better title of the English; but still he seemed to think that there was land enough for both. 1632. Sept.

Two years after, a party from Virginia occupied, for a little while, the still deserted Dutch fort on the Delaware; but they were soon taken prisoners by a force from Manhattan, and sent home to Virginia; nor was the attempt at occupation renewed. 1633. April.

Two years after, a party from Virginia occupied, for a little while, the still deserted Dutch fort on the Delaware; but they were soon taken prisoners by a force from Manhattan, and sent home to Virginia; nor was the attempt at occupation renewed. 1635.

CHAPTER V.

SETTLEMENT OF NEW NETHERLAND.

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TWO years after the arrival of the first English colony in Virginia, the same year in which the Hudson River was discovered, the Dutch, after a long and tedious struggle, continued for more than forty years, had obtained from the proud Spanish court a truce, amounting, in substance, to an acknowledgment of their independence. The Dutch East India Company, already in active operation, was fast snatching from the Portuguese the lucrative commerce of India and the Oriental islands. The Bank of Amsterdam had been lately established. The merchants of Holland, enriched by an extensive and profitable carrying trade, and now taking the lead in maritime commerce, sought every where new openings for traffic.

The North American river discovered by Hudson while sailing under the Dutch flag at once attracted attention, and the very next year after its discovery Dutch ships were sent to trade with the Indians there. For the convenience of this traffic, little forts, or fortified trading houses were built, one especially on the Island of Manhattan, at the river's mouth.

Nov. Hardly was occupation thus taken when the Dutch traders under Hendrick Corstiaensen received a visit from Argall, who compelled them, as mentioned in the previous chapter, to haul down their flag. Argall claimed all that region as appertaining to the English, and a part of their province of Virginia; but the Dutch flag was hoisted again as soon as he was gone.

On the strength of an ordinance of the States-General, CHAPTER
V. assuring to any discoverers of new lands the exclusive privilege of four trading voyages thither, an Amsterdam company dispatched five vessels to explore the North American coasts. Three of these vessels, under Corstiaensen as chief commander, were employed in explorations north of Cape Cod; but in these they had been preceded by the French and English. Block and Mey sailed for Manhattan. Shortly after their arrival, Block's vessel was accidentally burned; but that enterprising commander soon replaced it by a yacht of sixteen tons which he built on the coast, and called "The Restless." He passed in this little vessel through the East River, to which he gave the name of *Hellegat*, and then, coasting the northern shore of Long Island Sound, discovered first the *Housatonic* and then the *Connecticut*, which he ascended for some distance, and named Fresh River, in contrast to the Hudson, whose waters were salt. Continuing to the eastward, he discovered and explored *Narraganset Bay*, which he called the Bay of Nassau, and off Cape Cod fell in with and embarked for Holland in Corstiaensen's ship. The name of *Block Island* still commemorates these explorations. Mey, the companion of Block, after examining the south shore of Long Island, entered Delaware Bay, of which the northern cape still bears his name.

The company at whose expense these explorations had been made, obtained, in consequence, from the States-General, an exclusive privilege of trade for three years to all that part of the North American coast included between the fortieth and forty-fifth degrees of north latitude—a region named in this grant NEW NETHERLAND. The Hudson was called the Mauritius, after Maurice, prince of Orange, the Dutch stadtholder; but it soon became

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known among the Dutch as the *North River*, in distinction from the Delaware, which they called the *South River*.

1615. Measures were taken to improve this monopoly to the utmost; and Jacob Elkins, sent out the next year on behalf of these adventurers, ascended the Mauritius, and built a fortified trading house on an island at the head of navigation, not far from the present site of Albany. The establishment of this post, removed, a year or two
1618. afterward, to the main land on the west bank of the river, first brought the Dutch into contact with the Mohawks, the easternmost of the affiliated tribes of the Iroquois or Five Nations. Remarkable for their savage prowess, ferocious courage, and passion for warlike enterprises, these tribes had their homes on the upper waters of the Hudson, and on those beautiful lakes still further to the westward, in the fertile region south of Lake Ontario. The eastern Indians regarded this confederacy with terror, while the tribes as far south as the Chesapeake lived in constant dread of their war parties. Already these fierce warriors, destined to play a conspicuous part in American history, had conceived a violent antipathy against the French of Canada, who had given aid to the Hurons and other tribes of their enemies who dwelt on the St. Lawrence. The Dutch assiduously cultivated their friendship, and presently furnished them with fire-arms, by which they became still more formidable.
- The Iroquois spoke a dialect of the Wyandot; the Indians about the island of Manhattan were of the Algonquin race, branches of the Leni-Lenape confederacy, known subsequently to the English as the Delawares. They seem also to have shared with the tribes on Long Island Sound the general appellation of Mohegans or Mohekanders. For convenience of traffic with those tribes, and as a rendezvous for vessels coming from Hol-

land, Corstiaensen built a new fort or trading house on the Island of Manhattan. CHAPTER
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Hendricksen, who had been left on the coast in command of the *Restless*, carefully explored the South Bay and River as far up as the mouth of the Schuylkill—explorations which Mey himself afterward continued and completed. The three years' monopoly of the company was not extended, but they still kept up their trading houses and continued their trade. The English refugees at Leyden, of whose settlement at New Plymouth the next chapter will contain an account, doubtful of religious toleration if they settled under the Virginia patent, proposed to these merchants to establish a colony at the mouth of the Hudson; but the disinclination of the Dutch authorities prevented this project from going into effect; and the English refugees, since they could do no better, renewed their negotiation with the Virginia Company.

Argall's protest against the establishment of the Dutch at Manhattan was soon repeated from another quarter. Captain Dormer, in the service of Sir Ferdinando Gorges, coasting in a small vessel from the Kennebec to Virginia, was probably the first Englishman who passed through Long Island Sound. On his return the same way he touched at Manhattan, and claimed all that region within the patent of the English company for North Virginia, to which the Dutch traders replied that they were the first occupiers. Argall, Gorges, and others joined in a complaint to James I. against the intrusions of the Dutch, and the English ambassador at the Hague was ordered to examine into the matter, and to remonstrate with the States-General. They referred the subject to the deputies of Holland, who alleged ignorance, and promised to inquire; but no answer to the remonstrance seems ever to have been made.

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1621. The trade and claim of the Dutch to New Netherland, whatever that claim might be, had already passed into the hands of one of the great trading companies so fashionable in that age. The expiration of the truce with Spain, and the consequent danger to which Dutch American commerce was exposed, had led to the incorporation of the Dutch West India Company, with exclusive privileges of trade and settlement on both coasts of America, embracing, also, the west coast of Africa, from the tropic of Cancer to the Cape of Good Hope—a monopoly not less comprehensive than that of the East India Company. Exclusively of the coasts of Europe and northern Africa, the rest of the world, so far as Dutch commerce was concerned, was shared between these two great companies. This wealthy association, able to combine military with commercial operations, was divided into five chambers or branches, established in five principal Dutch cities, its affairs being managed by a board of directors, called the Assembly of Nineteen, one of whom was appointed by the States-General, and the others by the five chambers, in the ratio of their respective wealth and importance.

Reprisals on Spanish commerce, the conquest of Brazil, the purchase of slaves on the African coast, and the establishment of settlements in the West Indies, chiefly engrossed the attention of this great commercial company. But New Netherland was not wholly overlooked; it was made a province, and committed to the especial charge of the Amsterdam chamber; and a vessel with emigrants was dispatched thither, under the command of Mey, whose experience, acquired in former voyages, was now availed of by the new proprietors.

1623. Mey ascended South Bay, and built a fort on Delaware River, called *Nassau*, the first European establish-

ment in that region. Up the Hudson, a few miles north of the former post, *Fort Orange* was built, on the present site of Albany. Among the emigrants carried out by Mey, about thirty families in all, was a small colony of Walloons, Protestant refugees from the Spanish Netherlands, who had previously sought, without success, permission from the English Virginia Company to settle in their territory, under magistrates of their own. The Dutch had hitherto visited New Netherland only as traders; the first colonists, properly so called, were these Walloons, who settled on the northwest corner of Long Island, at Wahle-Bocht, or "Walloons' Bay," now corrupted into *Wallabout*.

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The supreme local authority of New Netherland, executive, legislative, and judicial, was vested in the director and his council. Next in rank was the Schout-Fiscal, who combined, according to the Dutch usage, the duties of attorney general and sheriff. He sat in the council on certain occasions, and gave his opinion on questions of justice, finance, and police, but had no vote.

Mey was succeeded by Verhulst, who arrived with three ships, bringing out horses, cattle, sheep, and swine, with a number of new settlers. Next year, Peter Minuet was appointed director. The Island of Manhattan, "rocky and full of trees," was purchased of the Indians for sixty guilders, about twenty-four dollars; and a block-house, surrounded by a palisade of cedars, was erected at its southern extremity, and called *Fort Amsterdam*. About this fort, the head-quarters of the colony, a little village slowly grew up—rudiment of the present metropolis of NEW YORK. Six farms were laid out on Manhattan Island; and specimens of the harvest were sent to Holland in proof of the fertility of the soil.

1625

1626

A friendly correspondence and intercourse of trade was

1627

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 1627. presently opened with the English at New Plymouth, the same who had proposed to settle on the Hudson, and who still recollected with gratitude the kind entertainment they had enjoyed for so many years in Holland. The Dutch, however, were not very well pleased at being repeatedly reminded by Governor Bradford of the English claim to the country they occupied, and still less did they relish his request to forbear trading with the Indians of Cape Cod and Narraganset Bay. The intimation that they were liable to be attacked by English vessels was construed into a threat, and the Dutch traders wrote home for soldiers. But danger on that score had been already obviated by an arrangement entered into with the King of England, securing to the ships of the Dutch West India Company the right to frequent all English ports, wheresoever situated.

Colonization could hardly be said to have yet been attempted by the Dutch; but a scheme for that purpose, drawn up by the Assembly of Nineteen, was at length approved and ratified by the States-General. Any member of the company who might establish in any part of New Netherland, within four years after notice of his intention, a colony of fifty persons upward of fifteen years of age, was to be entitled, by the name of *Patroon*, to a grant of territory so occupied, sixteen miles in extent along the sea-shore, or the bank of some navigable river, or eight miles where both banks were occupied, with an indefinite extent inland. The Island of Manhattan and the fur trade with the Indians were expressly reserved to the company; and upon all trade carried on by the patroons, an acknowledgment of five per cent. was to be paid. These patroons were to extinguish the Indian title, and were to settle their lands with tenants, farmers having indented servants the same with those of Virginia;

but the feudal privileges reserved to the patroons, some traces of which still exist, present a marked difference between this Dutch scheme of settlement and the free tenure of lands adopted in Virginia. Free settlers, who emigrated at their own expense, were to be allowed as much land as they could cultivate; and settlers of every description were to be free of taxes for ten years. The colonists were forbidden to make any woolen, linen, or cotton cloth, or to weave any other stuffs, on pain of being banished, and arbitrarily punished "as perjurers" — a regulation in the spirit of that colonial system adopted by all the nations of Europe, which sought to confine the colonists to the production of articles of export, and to keep them dependent on the mother country for the most necessary manufactures.

In anticipation of this scheme, some leading members of the company had already taken measures to secure to themselves the most accessible and inviting territories. Godyn and Bloemmaert had employed agents to purchase from the Indians a tract extending from Cape Henlopen thirty-two miles up the west shore of South or Delaware Bay. Not long after the same proprietors made a purchase, sixteen miles square, on the opposite shore, including Cape May. To these purchases they gave the name of *Zwanendal*, or Swansdale. Pauw, one of the directors of the West India Company, bought up the Indian title to the district named Hoboken, to which Staten Island and other neighboring tracts were presently added. This region was called *Pavonia*. Van Rensselaer's agents had already purchased the lands above and below Fort Orange. This purchase, called *Rensselaerswyck*, including additions afterward obtained, was twenty-four miles long and forty-eight broad, embracing the present counties of Albany and Rensselaer, with a part of Co-

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1629.

June 1.

1631.

May 5.

1630.

July 12.

Aug. 10

April 18

July 28

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 _____ lumbia. For the settlement of Zwanendal and Rensselaerswyck companies were formed by the patroons, into
 1630. which other parties were admitted.

Dec. A little colony of thirty persons, sent to Zwanendal, was established at *Hoarkill*, just within Cape Henlopen, the present site of *Lewistown*. A small colony was
 March. also sent to Rensselaerswyck, and some settlers to Paviaonia.

The patroons, however, did little more than was absolutely necessary to secure their grants. They were chiefly anxious for the fur trade with the Indians, in which, notwithstanding an express provision to the contrary, they claimed a right to participate, at least in those districts where the company had no trading posts. This claim occasioned a warm dispute; and Minuet, the director, accused of favoring the pretensions of the patroons, was
 1632. recalled. The ship in which he returned with a cargo of furs, after entering the English Channel, was forced
 March. by stress of weather to put into the harbor of Plymouth, and was seized there, by procurement of Gorges and others, as an interloping trader. This seizure led to a new correspondence between the Dutch and English governments as to the Dutch title to New Netherland. At length the ship was released, but the English still insisted on their claim to the territory.

Sailing for the Delaware on a whaling expedition, and with supplies, also, for Zwanendal, De Vries, as he approached, caused a signal gun to be fired; but there was
 Dec. 6. no answer. What a scene met his eyes when he landed! The palisades were burned, the block-house destroyed, and human bones lay scattered around. Some quarrel had arisen with the neighboring Indians, who had surprised and destroyed the colony. De Vries proceeded up the bay in search of provisions; but Fort Nassau had

been abandoned. He opened an intercourse with the Indians, and made peace, saying nothing of the past. His visit to Virginia has been mentioned already. Subsequently he established himself on Staten Island. The settlement at Rensselaerswyck was more permanent, but its increase was very slow. The exports from Fort Amsterdam amounted, for this year, to about \$57,000.

Walter Van Twiller, appointed director in Minuet's place, brought out from Holland an hundred and four soldiers, a schoolmaster, and Bogardus, a clergyman. Little, however, was done toward introducing permanent settlers. Indian trade was still the great object, and almost the sole thing attended to. In this trade a dangerous rivalry was now threatened.

Shortly after Van Twiller's arrival, a London ship appeared at Manhattan with Jacob Elkins for supercargo, the same person who had established the first trading post up the Hudson. He persisted in ascending the river, and opening a trade with the Indians; but the Dutch at length mustered courage and drove him away. This proceeding occasioned a fresh remonstrance from the English court.

The Dutch had long carried on a profitable trade with the numerous Indians on Fresh or Connecticut River. A small tract of land at the mouth of that river had lately been purchased of the Indians, and the arms of the States-General affixed to a tree. For the better security of this valuable traffic, and with a view to the establishment of a permanent trading house in that region, another tract on the west bank of the river, about sixty miles from its mouth, near the site of the present city of Hartford, was purchased of the Pequods, and a trading post, called the *House of Good Hope*, was built upon it, and fortified with two pieces of cannon. Just about

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April.

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June 8.

CHAPTER this time there arrived at New Amsterdam a small bark
 V.
 _____ from the new English colony lately planted on Massa-

1633. chusetts Bay, the commencement of trade between Boston and New York. She brought letters from Winthrop, the governor of the new colony, informing Van Twiller that the King of England had granted all the country on the Lower Connecticut to certain lords and gentlemen, his subjects, and expressing surprise that he should have

- Oct. 4. taken possession there. Van Twiller, in reply, proposed to refer the matter to their respective governments, hoping there might be no occasion for the king's majesty of England and the lords the States-General to fall into contention "about a little part or portion of these heathenish countries." Meanwhile, however, the people of Plymouth had taken decisive steps in the matter. They had learned the Connecticut trade from the Dutch, and being determined to maintain their share of it, if not, indeed, to engross the whole, had applied to Massachusetts to unite with them in establishing a post on the river, to which they had been invited by a petty chief of that region, lately driven out by the Pequods. Massachusetts having declined to co-operate on account of the numerous Indians in that neighborhood and the difficulty of entering the river, the Plymouth people undertook the enterprise on their own account. With the frame of a trading house ready prepared, and accompanied by several sachems of that neighborhood, William Holmes, "lieutenant and trader," proceeded coastwise, in a small vessel from Plymouth, and entered the Connecticut. As
- Sept. 16. he approached the Dutch post he was hailed and ordered off, but persisted in his purpose, and, having ascended a mile and a half higher, landed his provisions and goods, set up his house, and sent home the bark. The Dutch
- Oct. 25. served a written protest on these intruders, and Van

Twiller presently sent seventy soldiers to dislodge them. But they stood on their defense, and the Dutch commander did not judge it expedient to use force. CHAPTER
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Simultaneously with this struggle for the possession of the Connecticut, a new commissary was sent to occupy the Delaware, with authority, which he soon exercised, to purchase of the Indians a tract about the mouth of the Schuylkill, upon which a fort, called *Beversee*, was presently erected, the seat of a profitable fur trade.

At New Amsterdam itself Van Twiller undertook various improvements. The fort was rebuilt, with barracks for the soldiers; a church and parsonage, a house for the director, mills, and other necessary buildings, were erected. On farm or "bowery" number one, the property of the West India Company—that part of the present city of New York adjoining Wall Street northward—the director caused to be built a dwelling, barn, brewery, and boat-house, and buildings, also, on other boweries belonging to the company. 1634.

But continued disputes with the patroons proved a serious obstacle to the advance of the province. The patroons claimed not only freedom of traffic along the unoccupied shores and rivers, but even exclusive trade within their patroonships; and they paid very little attention to agriculture, to which the directors of the West India Company wished to confine them. To get rid of these controversies, it was proposed to buy up the patroonships, and Zwanendal was presently sold back to the West India Company for 15,600 gilders, or \$6240. NOV. 27.

While these quarrels retarded the progress of the settlements, emigrants from Massachusetts, as will be more fully related in a subsequent chapter, established themselves on the Connecticut, in the neighborhood of the Dutch fort. The mouth of the river was also occupied, and a fort built there, on behalf of the English lords 1635.

CHAPTER V. proprietors—proceedings by which the Dutch were threatened with total exclusion from the Fresh River. Nor

1635. were they secure in the rest of their territory. A party from Virginia ventured to occupy the empty Fort Nassau, on the Delaware; but, on information of this aggression, an armed bark was sent against them, and they were taken prisoners, and carried to Fort Amsterdam, whence they were shipped back again to Virginia.

1634. A patent, under the great seal of Ireland, issued by June 21. the famous Strafford, then lord lieutenant, had granted to Edward Plowden a province by the name of NEW ALBION, including the peninsula now the State of New Jersey, with all the adjacent islands. This charter recites that a colony of five hundred persons had already been planted. If so, the enterprise must soon have been abandoned, as no other trace of its existence appears. Some slight efforts were subsequently made to occupy this grant, but nothing finally came of it. It serves, however, as one among many proofs that the Dutch title to New Netherland was not recognized by the English.

1636. Van Twiller, though accused of extravagance and negligence in managing the affairs of the company, did not neglect his own interests. He procured, with several other officials, without asking leave of the directors in Holland, a grant from the Indians of a fertile tract on Long Island, on which the grantees established farms and plantations of their own. Such was the beginning of the village of *Flatlands*, originally called New Amersfoort. Van Twiller also procured for himself a grant from the Indians of Governor's Island, south of New Amsterdam, and of two other islands in the Hellgate. But, in consequence of complaints and representations of the fiscal, whom the director had condemned to lose his

1637. pay, and had sent to Holland to give an account of his conduct, Van Twiller himself was presently recalled.

William Kieft, appointed to succeed him, found the company's property in a neglected and ruinous condition, their buildings in decay, their five boweries or farms on Manhattan Island untenanted and stripped of their stock, and the purchase of furs almost engrossed by private traders, whose conduct, in many respects, was loose and licentious. Kieft, who is described by Winthrop as "a sober and discreet man," did what he could, by the issue of orders and proclamations, to remedy these evils. Some additional settlers arrived, and further purchases were made of lands on Long Island. An ordinance was also issued to regulate the cultivation of tobacco, which promised to become a valuable resource. Contrasted, however, with the rapid progress of the rival settlements in New England, the condition of New Netherland was by no means encouraging.

The colony of Rensselaerswyck equaled, perhaps, in population, the rest of the province. The government was vested in two commissaries, one of whom acted as president, and two counselors, assisted by a secretary, Schout-Fiscal, and marshal. The commissaries and counselors composed a court for the trial of all cases civil and criminal, from which, however, an appeal lay to the director and council at Fort Amsterdam. The code of Rensselaerswyck, as of the rest of the province, was the Roman-Dutch law as administered in Holland. Fort Orange was not included in the patroonship, but remained under the exclusive control of the West India Company and their director at Fort Amsterdam. The population consisted of farmers who had emigrated at their own expense; other farmers, sent out by the patroon, to establish and cultivate boweries on shares or rent; and farm servants indented for a term of years. Squabbles between the patroon and his tenants commenced with the very foundation of the colony.

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March.

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NEW ENGLAND. COLONY OF NEW PLYMOUTH. LACONIA.

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1606. **T**HE first charter of Virginia, it will be recollected, contemplated the plantation of two colonies. The persons mentioned in it, as members of the Company for planting the second, or northern colony, were Thomas Hanham, Raleigh Gilbert, younger son of Sir Humphrey Gilbert, William Parker, and George Popham. Sir John Gilbert, elder brother of Raleigh Gilbert, Sir John Popham, brother of George Popham, and lord chief justice of England, and Sir Ferdinando Gorges, governor of Plymouth, though not mentioned in the charter, were active and zealous members of the company.

A small vessel, with two captive Indians on board as guides and pilots, sent to explore the coasts of North Virginia, was unfortunately driven by a storm to the West Indies, where she was seized by the Spaniards. But another ship, fitted out at the sole expense of Sir John Popham, and under command of Martin Pring, whom we have seen already a successful navigator on those coasts, brought back such favorable reports that it was resolved at once to commence a settlement.

1607. Two ships were got ready, with forty-five colonists, accompanied by two of the Indians whom Weymouth had carried to England. With George Popham as president of the council, and Raleigh Gilbert as admiral, these colonists established themselves on a small island at the mouth of the Sagadahoc, or Kennebec, where they built

August.

a fort called St. George. The winter proved unexpectedly long and severe, and, in the depth of it, their storehouse was unfortunately burned. The president died; and a ship, which arrived in the spring with supplies, brought news of the death of Sir John Popham and Sir John Gilbert, the two chief patrons of the enterprise. It was necessary for Raleigh Gilbert to go home to look after the inheritance which his brother had left him. The discouraged colonists embarked also, and all returned to England.

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1608.

No better success attended a company of adventurers for Newfoundland, got up by John Guy, a Bristol merchant, in which the celebrated Lord Bacon, and other persons of consequence, were interested as partners. A patent was obtained, and a colony was sent to Conception Bay; but the enterprise was soon abandoned.

1610.

Nothing further was attempted for several years, except a few fishing voyages to the coast of North Virginia, undertaken, it would seem, by the private enterprise of individual members of the company, among whom Sir Ferdinando Gorges was most zealous. *Monhiggon*, a small island some distance off the coast, between the Penobscot and the Kennebec, became the chief rendezvous of the fishermen.

Captain Smith, so conspicuous during the first years of the colony at Jamestown, not finding his services appreciated by the London Company, embarked on one of these voyages. While the ships lay at *Monhiggon*, employed in fishing, in a boat with eight men he explored the coast from Penobscot Bay to the extremity of Cape Cod. He gave to this coast the name of NEW ENGLAND, a name confirmed by the Prince of Wales, afterward Charles I., to whom Smith presented a map he had drawn, soon afterward published, with a description of

1614.

CHAPTER VI the country. Hunt, master of one of these ships, kidnapped twenty-seven of the natives from the coast of

1614. Cape Cod, and carried them to Malaga with his cargo of fish, where he attempted to sell them as slaves; but some benevolent friars, learning the facts, took from him such as were left, to be instructed as missionaries. This exploration by Smith was cotemporaneous with that of the five Dutch vessels under Corstiaensen, Block, and Mey; the names New England and New Netherland both date from the same year.

1616. In the employ of several members of the Plymouth Company, Smith made an unsuccessful attempt at planting a little colony in New England. He was once driven back by a storm, and afterward left by his crew in the hands of pirates, from whom he escaped in an open boat. Not discouraged by these mishaps, he spent several months in visiting the gentry and merchants of the west of England, to stir them to new enterprises.

The Virginia Company, by their second charter, had already obtained a distinct and separate grant of territory, and the Plymouth Company now applied for a similar grant. They were warmly opposed by the Virginia Company and the private traders, who insisted on the policy of leaving the New England fishery free; but, after a two years' solicitation, they succeeded in obtaining a charter from the king, known among New England historians as the "Great Patent." By this charter, the whole of North America, from the fortieth to the forty-eighth degree of north latitude, excepting, however, all places "actually possessed by any other Christian prince or people," was granted in full property, with exclusive rights of jurisdiction, settlement, and traffic, to forty noble, wealthy, and influential persons, incorporated as "The Council established at Plymouth, in the County

of Devon, for the Planting, Ruling, Ordering, and Govern- CHAPTER
 ing of New England, in America." The whole of VI. _____
 North America, as claimed by the English, was thus di- 1620.
 vided into the two provinces of New England and Vir-
 ginia, by a line of demarkation very nearly coincident
 with that which still separates the slave-holding from the
 non-slave-holding states. Not, however, by the wealthy
 and powerful Council for New England, but by a feeble
 band of obscure religionists was the first permanent set-
 tlement made within the limits of this new province.

At the dictation of Henry VIII., who took that way 1534.
 of vindicating his divorce from Queen Catharine and his
 marriage with Anne Boleyn, the English clergy had
 thrown off the supremacy of the pope. By degrees, so
 far as their tyrant allowed, they embraced the leading
 doctrines of the Reformation—doctrines which made a
 still greater progress among the more intelligent portion
 of the people. But the English, beyond any other Prot-
 estant Church, retained an hierarchical constitution, a
 multitude of Romish ceremonies, and a profound re-
 spect for ecclesiastical tradition. When the Liturgy and
 Church ceremonies were settled, in the reign of Edward 1549.
 VI., several bishops and others protested against them
 as altogether too popish. Among those who fled abroad
 during the persecution of Mary, a controversy broke out
 on the subject of ceremonials, which the returning ex-
 iles brought back with them to England.

As the other traditions of the Church fell more and
 more into contempt, the entire reverence of the people
 was concentrated upon the Bible, recently made access-
 ible in an English version, and read with eagerness, not
 as a mere form of words, to be solemnly and ceremoni-
 ously gone through with, but as an inspired revelation,
 an indisputable authority in science, politics, morals,

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life. It began, indeed, to be judged necessary, by the more ardent and sincere, that all existing institutions in church and state, all social relations, and the habits of every-day life, should be reconstructed, and made to conform to this divine model. Those who entertained these sentiments increased to a considerable party, composed chiefly, indeed, of the humbler classes, yeomen, traders, and mechanics, but including, also, clergymen, merchants, landed proprietors, and even some of the nobility. They were derided by those not inclined to go with them as *Puritans*; but the austerity of their lives and doctrines, and their confident claim to internal assurance of a second birth and special election as the children of God, made a powerful impression on the multitude, while the high schemes they entertained for the reconstruction of society brought them into sympathy with all that was great and heroic in the nation.

The Puritans denounced the Church ceremonies, and presently the hierarchy; but they long entertained profound reverence for the Church itself, and a superstitious terror of schism. Some of the bolder and more ardent, whose hot zeal gave them courage, took at length the decisive step of renouncing the English communion, and setting up a church of their own, upon what they conceived to be the Bible model. That, however, was going further than the great body of the Puritans wished or dared to follow, and these separatists remained for many years obscure and inconsiderable. They were known as *Brownists*, from one of their leaders, who, however, by presently rejoining the English Church, forfeited the canonization he might otherwise have obtained, and even made his followers ashamed of his name.

The setting up of a separate church was, indeed, in those days, a serious matter. The system of enforcing

religious conformity by law was universally advocated, by none more heartily than by the Puritans themselves, who signalized their religious zeal by calling loudly for severe penal statutes against the Catholics, whom they denounced as idolaters. The Court of High Commission was established as a check upon Puritan and Catholic separatists. All persons absent four Sundays in succession from the regular church service were liable to be interrogated by this court, and were exposed to arbitrary punishment.

Delivered by the accession of James from the stern oversight of Elizabeth, who allowed no authority to compete with her own, the English bishops, by a sort of natural reaction against the Puritans, begun to put forth new pretensions. Not content to rest their authority upon the acts of Parliament and their appointment by the crown, they claimed to be bishops by divine right, possessed of a peculiar sacred authority, conveyed to them, in the act of ordination, by uninterrupted tradition from the apostles. To episcopal ordination, baptism, and other ceremonies they ascribed an efficacy which the Puritans could hardly reconcile with their favorite dogma of salvation by faith alone. The Court of High Commission already alluded to, an arbitrary tribunal without juries, which the courts of law attempted in vain to restrict, exercised an authority hardly less dreadful than that of the Spanish Inquisition. Most of the separatist congregations were broken up, and all of them were obliged to hold their meetings in secret.

Such a congregation existed in the north of England, composed of scattered members in the counties of Nottingham, Lincoln, and York. Pursued by the bishops with eager severity, and harassed by repeated fines and imprisonments, the more zealous and persevering

CHAPTER VI. members were induced, as other separatists had been before them, to seek refuge abroad. Even in this they were obstructed by a law enacted during the reign of Elizabeth, which made such migrations unlawful without license from the Privy Council. By degrees, however, and in small parties, they escaped to Holland, and established themselves at Amsterdam, where there was already a church of English exiles. Between that church and some of the new comers disputes presently arose, to avoid which John Robinson, one of the recent emigrant preachers, removed with his followers to Leyden, where they remained for several years in the enjoyment of their separate church organization.

But they found it difficult to obtain a livelihood; they did not like the free manners of the Dutch, which partook but little of Puritan austerity; their children left them, some as soldiers, others as sailors; and their congregation was thus in danger of dying out. Colonization in America, which had lately come into vogue, seemed particularly suited to their circumstances. They had thoughts of going to Guiana, where the Dutch already had some trading posts on the Essequibo. To that region of fabulous wealth public attention had just been attracted by the last unlucky voyage of Sir Walter Raleigh, which he had been released from the Tower to undertake, and which resulted in his execution under the old sentence, kept so long hanging over his head.

They preferred, however, on second thought, to remove to Virginia, provided they might establish a separate settlement, and be allowed to arrange religious matters according to their own ideas. Robert Cushman and John Carver, two of their principal men, went to England as agents. A grant of land was readily promised by the company; and there was even a prospect of obtaining

from the king, not, indeed, the desired guarantee on the subject of religion, but a promise that they should not be molested. A bare promise of this sort was not quite satisfactory, and an attempt was made to procure the countenance of the Dutch government for a settlement at or near the mouth of the Hudson, which some Dutch merchants trading thither were ready to assist in planting. That scheme having failed, Cushman again proceeded to England, in company with William Brewster, the ruling elder of the congregation. The patent promised by the Virginia Company was readily granted, and some merchants of London, among the most active of whom was Thomas Weston, out of sympathy with the religious views of the proposed emigrants, agreed to advance the necessary means; upon a bargain, however, not very favorable to the colonists. For every ten pounds paid in (less than fifty dollars), an interest was to be acquired in the joint stock equivalent to that of an able-bodied emigrant who contributed his personal services to the enterprise. The whole property was to remain a joint stock for seven years, at the end of which a division was to take place.

It was arranged that Robinson should remain behind with such of the Leyden congregation as were not yet ready to embark, or were not thought fit for pioneers. After a fast, a sermon, and a solemn parting from Robinson and his flock, the selected adventurers, under the guidance of Brewster, the ruling elder, passed over to Southampton in the Speedwell, a small vessel purchased in Holland for the use of the colony. Here they were joined by Cushman in the Mayflower, a London ship hired for the voyage, and having on board their provisions and outfit. The passengers were distributed between the two vessels, which soon set sail; but the leakiness

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 and bad trim of the Speedwell, which belied her name, joined to the faint-heartedness of her hired crew, not very well disposed to a service which would detain them as exiles on a distant and unknown coast, obliged the little squadron to put first into Dartmouth and then into Plymouth. At this latter port the leaky vessel was given up as unfit for the voyage. Some of her passengers were accommodated on board the Mayflower; but Cushman, with some twenty others, unwillingly remained behind.

Sept. 6. Thus deprived of her consort, the Mayflower recommenced her lonely voyage. Hudson River was the point aimed at; and, guided by difference of latitude merely—for the difference of longitude was as yet very imperfectly known—the master of the vessel expected to find it at no great distance from Cape Cod. After a tedious and boisterous passage of two months, the extremity of that famous headland was seen. The ship was then turned to the south, but soon became entangled among shoals. The crowded passengers were very anxious to land; and,

Nov. 10. under the circumstances, it was judged best to enter Cape Cod harbor, a spacious haven at the extremity of that long and crooked promontory. The tale has often been repeated that the Dutch, alarmed for their trade on the Hudson, had bribed the master of the Mayflower not to land there. The cotemporary documents find no fault either with the honesty or the skill of the master, who, it is probable, was no Dutchman, but a citizen of London, where the Mayflower belonged. The jealousies which afterward arose between these colonists and the Dutch of New Netherland might easily give rise to this story, first told by Secretary Morton many years after the foundation of the colony.

Finding themselves out of the limits of the Virginia Company, whose grant they held, they judged it fit, be-

fore landing, especially as some signs of insubordination appeared, to enter into a voluntary agreement, which might serve as foundation for their social polity. After thanksgiving for their safe arrival, and prayers for future protection and guidance, they signed a paper, mutually promising to submit to all such "just and equal laws and ordinances" as should from time to time be thought most convenient for the common good. Such was the first of those voluntary combinations for purposes of government, so common afterward in America, in which authority was based on general consent. John Carver was chosen to act as governor for one year. An assistant to the governor was also chosen. The infant state, thus organized, consisted of one hundred and one persons, men, women, and children.

Explorers were sent inland, while a boat's company cruised along the shore. The country was covered with pine forests. A number of deserted wigwams were found, and a quantity of Indian corn, in baskets, buried in the sand. This corn, which was taken possession of, served the next spring for seed, and the Indian proprietors, when they afterward became known, were compensated for it. The boat followed the concave shore, and from time to time exploring parties landed. Some distant glimpses were occasionally caught of the natives, who once ventured an attack, but speedily fled. The Indians of Cape Cod had not been without their experience of Europeans, both French and English. Hunt's kidnapping exploits, some six years before, were not yet forgotten. Shortly previous to the arrival of the Mayflower, these coasts had been repeatedly visited by Captain Dormer, who had arrived at Monhiggon some eighteen months before, in the service of Sir Ferdinando Gorges, and, after sending home his two ships laden with fish,

CHAPTER VI. had sailed for Virginia in his pinnace. His visit to Man-
 hattan, as he returned northward in the spring, has been
 1620. mentioned in the previous chapter. Leaving the Dutch
 colony, he explored the coasts and islands for eight leagues
 to the eastward of the Hudson, and, having arrived at
 Cape Cod, had redeemed from the Indians two French-
 men, the survivors of a shipwrecked crew. He left be-
 hind him, on the coast of Cape Cod, an Indian whom
 he had brought from England as guide and interpreter,
 one of those kidnapped by Hunt, who had found his way,
 in some fishing vessel, from Spain to Newfoundland,
 where he had been taken into Gorges's employ, and car-
 ried to England. Not long before the arrival of the
 Mayflower, Dormer had been severely wounded in an en-
 counter with the Indians of Martha's Vineyard, whence
 he sailed for Virginia, where he died.

After a laborious and fatiguing voyage of five weeks,
 during which they underwent fatal exposure to cold and
 wet, having passed the bottom of the bay and followed
 the coast for some distance to the north, the boat's crew
 of explorers entered a harbor more promising than any
 they had yet seen. Two long spits of sand, extending
 like piers in opposite directions, inclosed an extensive and
 well-protected basin, of which, however, the greater part
 was shallow. On Smith's map this harbor was designa-
 ted by the English name of Plymouth, and was indicated
 on it as a fit place for settlement. The season was too
 far advanced to admit of any further search, and the ex-
 plorers returned to the ship, which soon dropped anchor
 Dec. 16. at the selected spot. In compliment, it is said, to the
 kind treatment received at the English city of Plymouth,
 the name of NEW PLYMOUTH was retained. The settlers
 themselves are often designated as the Plymouth pilgrims.
 Distributed into nineteen families, the colonists were soon

busy in felling trees and building houses, which they placed on a rising ground in two rows, with a store-house in the midst. CHAPTER
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1621.

As they stood in some fear of the natives, who seemed carefully to avoid them, they adopted a military organization, and chose for their leader Miles Standish, who had served as a soldier in Holland. Some small cannon were presently landed. January.

During the winter little or nothing was seen of the natives; but early in the spring an Indian walked boldly into the village, and surprised the inhabitants by calling out, "Welcome, Englishmen!" He was a sagamore, or petty chief from the eastward, by name Samoset, and had learned a little English of the fishermen who frequented that coast. He introduced another Indian, named Squanto, the same lately left behind by Dormer, who also spoke a little English, and, in conjunction with Samoset, acted as interpreter, guide, and pilot, to the settlers. Another Indian, named Hobomoc, attached himself with great zeal to the service of the colonists, and insisted upon living among them. By means of these friendly Indians an intercourse was presently opened with Massasoit, head chief of the Pocanokets or Wampanoags, inhabiting the country westward of New Plymouth. An interview, marked at first with a little distrust, but soon succeeded by confidence, took place between Governor Carver and Massasoit; presents were exchanged; and a league of friendship was entered into, which for many years was faithfully observed.

A fatal distemper, perhaps the small-pox or some malignant fever, had lately raged among the Indians on these shores, and, indeed, along the whole coast of New England. Several tribes, especially those composing the Massachusetts confederacy, inhabiting the bay of

CHAPTER VI. that name, north of New Plymouth, had been almost ex-
 1621. terminated by it. The coast was thus left open to set-
 tlement, a circumstance noted by the early New En-
 gland historians as a special providence.

Shortly after the treaty with Massasoit, the Mayflow-
 April 5. er, which had wintered at Plymouth, set sail on her
 homeward passage. Already, before her departure, the
 number of the colonists had been greatly thinned; others
 died soon after; among the rest, Governor Carver, whose
 place was supplied by William Bradford. The winter
 had been unusually mild, but the colonists were so ill
 provided against it, and had suffered so much from cold
 and exposure before their houses were finished, that with-
 in the first five months they lost more than half their
 number. Once there were only seven persons well enough
 to attend the sick. But, as the spring advanced, the sur-
 vivors grew strong again, and, though often pinched for
 food, none died for the next three years.

To improve the friendship with Massasoit, Edward
 Winslow, one of the most intelligent and energetic of the
 colonists, was sent across the country with a companion,
 and Squanto as a guide, to visit that chief at his village
 of Pocanoket, on Narraganset Bay. The presents they
 carried were graciously received; but the Indian king
 was so unprovided with food—his corn being out, and
 game not in season—that his visitors came near starv-
 ing. They were honored, however, by sleeping on the
 same bed with Massasoit and his squaw, they on one
 end and the Indians on the other. It was of plank,
 raised a foot from the ground, covered with a thin mat,
 and horribly infested by vermin.

Corbitant, one of Massasoit's sachems, being suspected
 of infidelity to that chief and of hostility to the colonists,
 whose interpreter Squanto he had seized, and was believed

to have killed, Standish marched against him with four-
 teen men. Corbitant's village was beset, some of the
 inhabitants wounded, and the prisoner released. Alarmed
 by this movement, nine petty sachems came to Plymouth,
 and signed a paper acknowledging themselves loyal sub-
 jects of King James.

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1621.

Sept. 13

Shortly after this submission, a boat with ten men
 was sent to explore Massachusetts Bay, some forty miles
 to the northward. That bay was found to terminate in
 a spacious harbor studded with islands, and encompass-
 ing the three-crested peninsula of Shawmut, site of the
 present city of Boston. Toward the south the Blue Hills
 were visible, from whose Indian name Massachusetts is
 said to be derived. Two or three rivers entered the
 bay; several peninsulas projected into it; and its shores
 offered so many favorable positions, that the Plymouth
 men could not but wish they had settled there. They
 found at Shawmut a few Indians under Obattinewat, a
 petty sachem dependent on Massasoit; but as he lived
 in perpetual dread of the Tarenteens, or eastern Indians,
 who were accustomed to send war parties along the coast
 in canoes, he did not dare to remain long in one place.

Toward the commencement of winter thirty-five new
 colonists arrived in the Fortune, including those left be-
 hind by the Speedwell. Cushman came with them, and
 brought a patent from the Council for New England, ob-
 tained through the good offices of Sir Ferdinando Gor-
 ges; but he did not remain long in the colony. After
 delivering an elaborate discourse "on the sin and danger
 of self-love," afterward printed in London, and still ex-
 tant, intended to repress the discontents already apparent
 at the joint-stock system on which the colony was founded,
 Cushman returned in the Fortune to render an account
 of matters to the merchant adventurers, and to look after

Nov. 10.

Dec.

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VI.

1621.

the interests of the colony in London, where it was necessary to have a confidential agent. He took with him for cargo a quantity of furs, sassafras, clapboards, and wainscot, valued at £500, about \$2400, the first remittance from New Plymouth. But, as the ship passed up the English Channel, she was seized, on what pretense does not appear, and carried into a French port; nor was she dismissed except at the expense of the best part of her lading.

1622.

Feb.

The confederacy of the Narragansets, inhabiting the west shore of Narraganset Bay, having escaped the ravages of the pestilence so fatal to the Massachusetts and other tribes, were comparatively numerous and powerful, and Massasoit stood in much awe of them. Canonius, their sachem, by way of defiance, had sent to Plymouth a bundle of arrows tied with a rattlesnake's skin. Bradford, nothing daunted, sent back the same skin stuffed with powder and ball. The superstitious Indians took it for some fatal charm, and passed it in terror from one village to another, till it came back again to Plymouth. It was judged proper, however, by the Plymouth authorities, to take precautions, and the village was surrounded by a palisade of timbers driven into the ground, a mile in circuit, with three gates—no inconsiderable work for so feeble a colony.

May.

The Fortune had brought no provisions, and the whole company were obliged to subsist for six months on half allowance. Even this scanty supply was obtained with difficulty, and by spring there was a famine. Winslow sailed to Monhiggon in quest of food, and the wants of the colony were partially relieved by the charity of the fishing crews assembled there. Already some fishing villages began to be formed on the main-land shore opposite to Monhiggon, next to Plymouth the oldest set-

tlement in New England. Supplies both of provisions and goods for trading with the Indians were afterward obtained from other fishing vessels, sometimes at exorbitant prices; but without these supplies the infant colony must have perished. The London partners sent out no provisions and very few goods. A scarcity of food, often extreme, continued to a greater or less extent for the first four years. The agricultural arrangements of the colony were as yet very imperfect, and the chief dependence during all that period was on corn purchased of the Indians, for which purpose little trading voyages were undertaken to Cape Cod and the adjoining coasts. The clams with which the harbor of Plymouth abounded were also an essential resource. At certain seasons fish were plenty; but for some time the colonists were so unprovided as to have neither nets nor other tackle with which to take them, nor salt to preserve them.

During his visit to Monhiggon, Winslow learned, from a vessel just arrived from Virginia, the rising of the Indians there, and the massacre of many of the colonists. This news occasioned some alarm at Plymouth, and the inhabitants commenced a little fort on the crest of the rising ground inclosed within their palisade. This fort, which it cost them much labor to complete, was used also as a meeting-house—a place of assembly and worship.

Weston, who had taken so active a share in fitting out the Plymouth colony, dissatisfied with the pecuniary result of that experiment, had resolved to try one of his own. Sixty men, chiefly indented servants, whom he sent out to begin a settlement, trespassed for two or three months on the hospitality of the people of Plymouth, whose corn-fields they were accused of robbing. After establishing themselves at *Wissagusset*, now Weymouth, on the south shore of Massachusetts Bay, they wasted

CHAPTER
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1622.

July.

Nov.

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1623. their provisions, and were soon reduced to great distress. Dispersed in small parties, they lived as they could, begging or stealing from the Indians, who presently combined for the destruction of these importunate intruders.

Just as this plot was maturing, the people at Plymouth, having heard that a Dutch trading shallop was ashore in Narraganset Bay, sent Winslow to open a communication with the Dutchmen, and also to condole with Massasoit, who was reported to lie dangerously sick. Before Winslow arrived the Dutchmen were gone; Massasoit was found at the point of death, insensible, and surrounded by pow-wows—priests or conjurers, that is, making horrible noises and grimaces, after the Indian fashion. Winslow turned the pow-wows out of the wigwam, assumed the part of physician, and soon put his patient in the way of recovery. Out of gratitude, he revealed the project for the destruction of the white men at Wissagusset, in which, it would seem, he had been invited to join.

Mar. 23. Alarmed at this information, Winslow hastened back to Plymouth, and, as it happened then to be a “yearly court day,” the matter was referred by the governor to the “body of the company;” but they referred it back again, with discretionary authority, to the governor, his assistant, and Captain Standish. The captain was accordingly dispatched, with eight men, under pretense of trade, to judge of the certainty of the plot, to inform the Wissagusset men of their danger, and with orders to bring back the head of Wituwamat, a noted warrior accused of being the principal instigator of the designs against the English. Standish, “a man of very little stature, yet of a very hot and angry temper,” found the Indians full of taunts and bravadoes. Taking this as evidence of

the reality of the plot, he watched his opportunity, and, having the obnoxious chief, with three of his followers, in a cabin with himself and several others, he closed the door, made a signal to his men, snatched a knife from the neck of one of the warriors, and stabbed him to the heart. Of the other Indians, two were slain; the fourth, a boy, was taken alive and hanged. Alarmed at this attack, the Indians fled to the swamps and concealed themselves; not, however, till several more had been killed. The plantation at Wissagusset was abandoned. A few of the people removed to Plymouth; the rest sailed to Monhiggon, and obtained a passage home from the fishing vessels there. Wituwamat's head was carried to Plymouth, stuck upon a pole, and set up, by way of warning, in the fort. These bloody proceedings excited some misgivings in the mind of John Robinson, who, though still in Holland, extended a pastor's oversight to the colony, which he intended presently to join. "Oh, how happy a thing it would have been," he wrote in a letter to the colonists, "that you had converted some before you killed any."

The privileges of exclusive traffic and fishery lately granted by the king's patent to the Council for New England, was by no means agreeable to the private merchants engaged in the North American fisheries and the peltry trade. Soon after the issue of that patent, James's third Parliament had met—the same that complained of the Virginia Company's lotteries as a raising of money without parliamentary warrant. The pretensions of the Council for New England to an exclusive right of fishing were also denounced in the House of Commons as a grievance; and a committee reported that the charter was vitiated by the clause in it which forfeited the ships of interlopers, a thing "which could not be," without sanc-

CHAPTER VI tion of Parliament. The Commons passed a bill for the protection of the fishermen, but it failed in the Lords.

1623. Liberty in England was not yet fledged; and Coke, the famous lawyer, Pym, and other leaders of the Commons, were imprisoned after the adjournment for their alleged factious behavior.

Parliamentary interference having thus failed, the
Nov. 26. Council for New England, sustained by a royal proclamation prohibiting disorderly trading within the limits of

1623. their patent, sent out Francis West, the same person, probably, who was temporary governor of Virginia a few years later, with a commission as admiral of New England. Already thirty or forty fishing vessels sailed annually to that coast, upon which West sought to impose a tribute in the shape of license money.

The indefatigable Gorges, engaged for so many years in traffic to the coast of New England, had found a partner much to his mind in John Mason, "a man of action," bred a merchant, afterward a naval commander, and more recently an adventurer in the projected settlement of Newfoundland. Having been appointed secretary to the Council for New England, Mason had obtained the

1621. grant of a tract which he named *Mariana*, extending from Naumkeag, now Salem, to the mouth of the Mer-

1622. rimac. This was followed the next year by a grant to Gorges and Mason jointly, of the whole tract from the Merrimac to the Kennebec, extending westward to the River of Canada. This grant was named *LACONIA*. Mason and Gorges induced several merchants to adventure with them as the "Company of Laconia," and sent out a colony of fishermen, a part of whom, under David Thompson, settled at *Little Harbor*, at the mouth of the Piscataqua, afterward called Strawberry Bank, now Portsmouth. The others settled some eight miles up the river,

at *Cocheco*, now Dover, under William and Edmond Hilton, fishmongers of London, one of whom, however, had qualified himself for the enterprise by a short residence at New Plymouth. But the company of Laconia did not prosper; and these towns, the oldest in New Hampshire, and, with a few exceptions, the oldest in the United States, remained for several years little more than mere fishing stations. Thompson soon left Little Harbor, and established himself on an island in Massachusetts Bay, which still bears his name. CHAPTER VI.
1623.

Cotemporaneously with the settlement on the Piscataqua, another colony was attempted further to the eastward. With very little regard, it would seem, to the patent of the Council for New England, though perhaps with their consent, James I., in his character as King of Scotland, had issued, under the Scottish seal, a grant of all the territory between the Gulf of St. Lawrence and the River St. Croix, under the name of *NOVA SCOTIA*, or New Scotland, to Sir William Alexander, a poet and court favorite, afterward Secretary of State for Scotland, and created Earl of Stirling. This grant included not only the present province so called, but also the territory now known as New Brunswick. A vessel was fitted out, which explored the shores and entered some of the harbors in the vicinity of Cape Sable; but the French were found to be already established at several points along this coast. 1621.
1623.

About the time of the appointment of West as Admiral of New England, a territory of ten miles on the northern coast of Massachusetts Bay, adjoining Mason's grant of Mariana, and extending thirty miles inland, was bestowed on Robert Gorges, son of Sir Ferdinando. He was appointed also Lieutenant General of New England, with a council, of which West, the admiral, and

CHAPTER VI.
 1623. the Governor of New Plymouth for the time being, were to be members, with power to restrain interlopers, already beginning to establish themselves along the coast. Gorges sailed to take possession of his government, taking with him a number of indented servants, and accompanied by one Morrell, a clergyman appointed by the Archbishop of Canterbury, commissary of ecclesiastical affairs. Gorges and Morrell resided a year or more in New England, a part of the time at Plymouth, and the remainder at Weston's deserted plantation at Wissagusset, where Gorges endeavored to establish a settlement, preferring that situation, it would seem, to his own grant on the north shore of the bay. At Plymouth Gorges encountered Weston, who had come out to New England to look after his colony, but had been shipwrecked on the eastern coast, and robbed by the Indians, escaping barely with his life. He found refuge and assistance at Plymouth; but the good people there regarded his misfortunes as a judgment upon him for deserting them, and Gorges appears to have taken some proceedings against him as an interloper.

The colony of New Plymouth, though still the chief settlement of New England, remained, as yet, very feeble. The best dish that could be set before the third supply of colonists, about sixty in number, who came in the August Anne and the Little James, was a lobster, a piece of fish, and a cup of "fair spring water." As to bread, there was none in the colony. Among the passengers was Nathaniel Morton, then a boy eleven years old, a nephew of Governor Bradford, afterward secretary and historian of the colony. The Anne was laden with clapboards, and such furs as had been collected; and Winslow went back in her, to obtain in London a supply of goods, without which the little settlement was in danger of

perishing. He published, while there, a tract, entitled "Good News from New England," and, having succeeded in obtaining a much-needed loan of £1800, nearly \$9000, he returned in the spring, taking with him, among other things, a few cattle, the first brought to New Plymouth.

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1624.

March.

At the same time came one Lyford, recommended by some of the partners in London as a minister for the colony. But he was not inclined to go the full length of the separatists, and insisted upon administering the sacrament by virtue of his episcopal ordination. To this the majority would not consent; some disturbance resulted; and a ship sailing for England with letters from Lyford on board, Bradford followed her in his canoe, examined the letters, and found matters therein of a dangerous tendency. Lyford was presently expelled, along with Oldham and Conant, his principal adherents. These expelled colonists established themselves on Nantasket, at the entrance of what is now Boston harbor. These proceedings, with a growing jealousy and difference of opinion upon this question of separation from the Church of England, seem to have increased the misunderstanding between the colonists and their London partners.

The non-existence of private property, the discontent and unwillingness to labor thence arising, and the exorbitant interest, as high as forty-five per cent., paid for money borrowed in London, were serious drawbacks to the prosperity of New Plymouth. It was found necessary, indeed, to enter into an agreement that each family should plant for itself; and an acre of land was accordingly assigned to each person in fee. Under this stimulus, the production of corn soon became so great, that, from buyers, the colonists became sellers to the Indians. At the end of the fourth year after its settlement, Plymouth had thirty-two dwelling-houses, and a hundred and eighty-

1623.

1624.

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four inhabitants. The general stock, or whole amount of the investment, personal services included, amounted 1624. to £7000, or \$34,000. The London partners were very unwilling to make any further advances.

John Robinson died in Holland, and several years elapsed before his family, and the rest of the Leyden congregation, could find means to transport themselves to New Plymouth. Those already there—passengers by the *Mayflower*, the *Fortune*, the *Anne*, and the *Little James*—were afterward distinguished as the “old comers,” or “forefathers.” Six or seven years elapsed before the colony received any considerable addition to its numbers.

The lieutenant general, admiral, and archbishop’s commissary for New England, finding little subject-matter for the exercise of their authority, or little prospect of any respect being paid to it, soon quitted the country. Morrell, who had employed himself in writing a descriptive poem in Latin and English, had said nothing to the settlers at New Plymouth about his ecclesiastical authority till he was just about leaving, though the affair of Lyford might seem to have afforded some occasion for its exercise. In England, the rights of the company were again brought in question. James’s fourth Parliament had no sooner met than the New England charter was referred to the committee of grievances. Sir Ferdinando Gorges was heard by counsel on behalf of the patent, which Coke pronounced void on account of its attempted monopoly of the seas. Another bill passed the Commons for the protection of the fishermen, but it failed again in the Lords. The members of the Council for New England, contemplating, perhaps, a surrender of this unpopular charter, appear to have divided their territory into provinces, for which they cast lots in the presence of King James; but this division was not at this time carried into effect.

Presently after his accession, Charles I. renewed the grant of Nova Scotia, with authority to the grantee to create an order of a hundred and fifty hereditary baronets; and these titles, sold by Alexander, a number of which are still in existence, proved a more profitable speculation than the planting of colonies.

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1625.

At the end of the seven years originally limited in the agreement between the Plymouth colonists and the London adventurers, the London partners agreed to sell out their interest for £1800, or about \$9000, to be paid in nine annual instalments. Eight of the principal colonists, in consideration of a six years' monopoly of the Indian traffic, gave their private bonds for the amount. The joint-stock principle was now abandoned; a division was made of the movable property; and twenty acres of land, nearest the town, were assigned in fee to each colonist.

1627.
Nov.1628.
January.

The soil of New Plymouth was very poor; some not very successful attempts were made at the cultivation of tobacco; but the chief reliance to pay for cloths and other goods from England was the peltry collected by trade with the Indians. To save the voyage round Cape Cod, and to facilitate the traffic with the Indians on Narraganset Bay and Long Island Sound, a trading house was built at the head of Buzzard's Bay. A grant was also obtained from the Council for New England of a large tract at the mouth of the Kennebec, where a post was established, and a lucrative traffic opened with the eastern Indians. A friendly message, brought by Secretary De Razier, had lately been received from the Dutch at the mouth of the Hudson. From these Dutchmen the use of wampum was learned, soon found very serviceable in the trade with the eastern Indians. There was not yet capital enough to engage in the cod fishery, but a step was made toward it in the establishment of a salt work.

1627.
October.

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Straggling settlers, with or without grants from the Council for New England, were now fast planting themselves along the coast. East of the Piscataqua, obscure hamlets of fishermen were established at Agamenticus, now York, and at the mouth of the Saco. A party of some thirty persons, under a Captain Wollaston, had set up a plantation in Massachusetts Bay, not far from Wis-sagusset, at a place which they called *Mount Wollaston*, now Quincy. This plantation presently fell under the control of one Morton, "a pettifogger of Furnival's Inn," or, as he describes himself, "of Clifford's Inn, gentleman." He changed the name to Merry Mount; sold powder and shot to the Indians; gave refuge to runaway servants; and set up a May-pole, upon which occasion he broached a cask of wine and a hogshead of ale, and held a high revel and carousal. The people of Plymouth were requested by the other settlers to interfere; and

1628. Morton was seized by the redoubtable Standish, and sent prisoner to England. Eight plantations, from Piscataqua to Plymouth, some of them only single families, contributed to the expense.

Though their number did not yet amount to three hundred, the Plymouth colonists considered themselves as now firmly established. "It was not with them as with other men, whom small things could discourage, or small discontents cause to wish themselves at home again;" so they stated in their application to the Council for New England for a new patent. They presently

1630. obtained it, with an assignment as boundaries, on the June 13. land side, of two lines, the one drawn northerly from the mouth of the Narraganset River, the other westerly from Cohasset rivulet, to meet "at the uttermost limits of a country or place called Pocanoket." The tract on the Kennebec was also included in this grant.

This patent gave a title to the soil ; but prerogatives of government, according to the ideas of the English lawyers, could only be exercised under a charter from the crown. A considerable sum was spent in the endeavor to obtain such a charter, but without success. CHAPTER VI.
1630

Relying, however, upon their original compact, the colonists gradually assumed all the prerogatives of government ; even the power, after some hesitation, of capital punishment. No less than eight capital offenses are enumerated in the first Plymouth code, including treason or rebellion against the colony, and "solemn compaction or conversing with the devil." Trial by jury was early introduced, but the punishments to be inflicted on minor offenses remained for the most part discretionary. 1636.

For eighteen years all laws were enacted in a general assembly of all the colonists. The governor, chosen annually, was but president of a council, in which he had a double vote. It consisted first of one, then of five, and finally of seven counselors, called assistants. So little were political honors coveted at New Plymouth, that it became necessary to inflict a fine upon such as, being chosen, declined to serve as governor or assistant. None, however, were to be obliged to serve for two years in succession.

The constitution of the Church was equally democratic. For the first eight years there was no pastor, unless Robinson, still in Holland, might be considered in that light. Lyford, sent out by the London partners, was refused and expelled. Brewster, the ruling elder, and such private members as had the gift of prophecy, officiated as exhorters. On Sunday afternoons a question was propounded, to which all spoke who had any thing to say. Even after they adopted the plan of a pastor, no minister, it was observed, stayed long at New Plymouth.

CHAPTER VII.

COLONY OF MASSACHUSETTS BAY. NEW HAMPSHIRE.
LIGONIA. PEMAQUID.

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BESIDES the settlements mentioned in the previous chapter made or attempted on the coast of New England, there had been another, of no great consequence in itself, but interesting as the embryo of the colony of Massachusetts Bay.

White, a clergyman of Dorchester, in the west of England, a Puritan, though not a separatist, had persuaded several merchants of that city to attempt a settlement in New England in conjunction with the fishing business. The rocky promontory of Cape Anne, which forms the north shore of Massachusetts Bay, was fixed upon for this purpose; and Lyford and Conant, the same who had been expelled from New Plymouth by the zeal of the stricter separatists of that colony, were taken into employ, the first as preacher or chaplain, the other as general manager. This undertaking, like other similar enterprises, proved more expensive and less profitable than had been expected. It was presently abandoned; Lyford removed to Virginia; but Conant, relying upon the further co-operation of White, betook himself, with three companions, and a flock of cattle sent out by his employers, to *Naumkeag*, a fitter place, in his judgment, for a settlement.

White exerted himself to find new adventurers, and not without success. The English Puritans, for years past, had been growing more and more uneasy. Many

clergymen of that cast had been silenced or deprived of their cures for nonconformity, and the present fashion of colonization in America, as well as the example of the Plymouth colony, had suggested the idea of a Puritan refuge across the Atlantic. With this view, John Humphrey, a brother-in-law of the Earl of Lincoln, John Endicott, and four others, gentlemen of Dorchester, obtained, at White's instigation, from the Council for New England, a grant of the coast between Laconia on the one side, and the Plymouth patent on the other, including the whole of Massachusetts Bay. This grant extended westward to the Pacific, coterminate in that direction with the New England patent itself; north and south it was bounded by two parallel lines, the one three miles north of "any and every part" of the Merrimac, the other three miles south of "any and every part" of Charles River, one of the streams flowing into the head of Massachusetts Bay, and so named on Smith's map of New England. Part of this tract on the sea-coast had been conveyed some years before to Mason, under the name of Mariana, as already mentioned, and another smaller portion to Robert Gorges, the late lieutenant general. He was dead; but his brother and heir had conveyed a part of this tract to Oldham, the exile from Plymouth, who had established himself as an Indian trader at Nantasket. The rest had been transferred to Sir William Brereton, who about this time sent over indented servants, and began a settlement, probably at *Winnissimet*, now Chelsea. The Earl of Warwick appears also to have had a claim to this territory, or a part of it—perhaps under the incomplete partition mentioned in the previous chapter; but, whatever it was, he presently relinquished it to the Massachusetts patentees. Those patentees, indeed, for some

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 reason not very apparent, seem to have regarded all the previous grants as void against them.

1628. New partners were soon found. John Winthrop, of Groton, in Suffolk, educated a lawyer, a gentleman of handsome landed property, Sir Richard Saltonstall, and other wealthy Puritans in London and the vicinity, became interested in the enterprise; and, to prepare the way for a larger migration, John Endicott, "a fit instrument to begin this wilderness work," indefatigable, undaunted, austere, yet of a "sociable and cheerful spirit," was dispatched at once, with sixty or seventy people, to make the commencement of a settlement. Welcomed

Sept. 14. at Naumkeag by Conant, in conformity with his instructions, he soon dispatched a small party by land, to explore the head of Massachusetts Bay, where it had been resolved to plant the principal colony. The peninsula between Charles and Mystic River, already known as *Charleton* or *Charlestown*, was found in possession of one Walford, a smith. The opposite peninsula of Shawmut was occupied by another lonely settler, one Blackstone, an eccentric non-conforming clergyman. The island, now East Boston, was inhabited by Samuel Maverick, an Indian trader, who had a little fort there, with two small cannon. On Thompson's Island, more to the south, dwelt David Thompson, already mentioned as one of the original settlers on the Piscataqua. Oldham still had an establishment at Nantasket, though at this moment he was in England, negotiating with the Massachusetts Company. There were a few settlers, it is probable, at Winnissimet, servants of Brereton; some, also, at Wissagusset, and a few more at Mount Wollaston.

Endicott sent home loud complaints of these "old planters," especially in relation to the Indian trade,

which formed their chief business. They came, in fact, CHAPTER VII. in direct conflict with the new patentees, who claimed an exclusive right of Indian traffic within the limits of their 1628 patent.

The importance of this trade was very much exaggerated. There dwelt on the shores of Massachusetts Bay only four or five petty sachems, each with some thirty or forty warriors, of whom Cutshamiquin, sagamore of Massachusetts, seems to have been the chief. Only to these tribes, with the Pawtuckets at the falls of the Merrimac, and the Nipmucks, some forty miles in the interior, would the Massachusetts monopoly extend. The chief tribes of the New England coast dwelt either north or south of the Massachusetts limits. Yet, at Endicott's suggestion, the company obtained a renewal of the royal proclamation of 1622 against irregular trading with the Indians.

New associates, meanwhile, had joined the company in England, including several from Boston and its vicinity, in Lincolnshire; among them, Isaac Johnson, another brother-in-law of the Earl of Lincoln; Thomas Dudley, the earl's steward; Simon Bradstreet, steward to the dowager Countess of Warwick, and son-in-law of Dudley; William Coddington, a wealthy merchant of Boston; and Richard Bellingham, bred a lawyer—all conspicuous in the subsequent history of Massachusetts. A very warm interest was taken in the enterprise by the Lady Lincoln, a daughter of Lord Say, a conspicuous Puritan nobleman, himself active, as we shall presently see, in American colonization. The company, thus re-enforced, and sustained by money and influential friends, easily obtained a royal Charter confirming their grant, 1629. and superadding powers of government. March.

This charter, modeled after that of the late Virginia Company, vacated by *Quo Warranto* five years before,

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erected the patentees and their associates into a corporation, by the name of "Governor and Company of Massachusetts Bay, in New England," with power to admit new members as they might see fit. Their affairs were to be managed, at least those of executive routine, by a governor, deputy governor, and eighteen assistants, by whom monthly courts were to be held for that purpose. The annual election of these and other necessary officers, the enactment of civil and criminal laws for the colony, the raising of money, and other more important affairs, were to be transacted at great and general courts of all the freemen or stockholders, held quarterly. The colonists were to enjoy the rights of Englishmen; but no provision was made for securing to them any share in the local government. That was entirely intrusted to the corporation in England. No royal negative was reserved on the enactments of the company; but they were not to be repugnant to the laws of England. These enactments stood, indeed, precisely on the same ground with the by-laws of any other trading company. Nothing was said about religion. There was yet no intimation that the proposed settlement was to be exclusively Puritan, or had any special religious object in view. Had such been the case, it might not have been so easy to obtain a charter, for King Charles held the Puritans in no less detestation than his two predecessors, and was not a little provoked at the part they had just taken in carrying in the House of Commons the Petition of Right.

The company organized itself under the charter by the choice of Matthew Cradock and Thomas Goffe, two wealthy London merchants, as governor and deputy governor. Preparations were at once made for extending the settlement, to which was given the name of "London's Plantation in the Massachusetts Bay." The

executive administration of the colony was intrusted to Endicott as governor, to be assisted by twelve counselors; seven named by the company, two to be selected by the old planters, and these nine to add three more to their number. The old planters were to be indulged in a limited cultivation of tobacco, which was strictly forbidden to the new ones, the Puritans not having yet got over their objections to its use. Every £50, about \$240, contributed to the company's stock by any member, entitled him to two hundred acres of land, and in like proportion for sums greater or less. Every stockholder who emigrated at his own expense was to receive fifty acres for each member of his family, and the same quantity for each indentured servant carried with him. Persons not stockholders, emigrating at their own expense, were to be allowed fifty acres each, and as much more for each indentured servant, with an additional allowance "according to their charge and quality"—a provision construed to extend to the old planters already there.

Six ships were soon dispatched, with a stock of cattle and horses, and some two hundred colonists, most of whom were indentured servants of the company or some of its chief members, sent out at an expense of £20, nearly \$100, per head. Among these emigrants were wheelwrights, carpenters, coopers, ship-builders, a surgeon, an engineer, and three "godly ministers," Skelton, Higginson, and Bright, all entertained at the company's expense. Besides these three ministers named as members of Endicott's council, a fourth, one Smith, had secured his passage and placed his goods on board before it was known that he was an avowed separatist. This circumstance excited some jealousy and alarm, and Smith was obliged to promise not to exercise his functions within the patent without Endicott's leave. Shortly after

CHAPTER VII. his arrival he proceeded to Plymouth, where he officiated
 for some time as minister. That colony received also

1629. by these vessels an accession of thirty-five persons, the remainder of the Leyden congregation, including Robinson's family, who availed themselves of this opportunity to join their friends in New England.

June. Arriving at Naumkeag, these new settlers found there a few corn-fields, a hamlet of eight or ten rude houses, with a larger one for the governor, the frame of which had been removed from Cape Anne, where it had been originally set up by White's associates. Endicott received by this arrival ample instructions, with particular directions to occupy the head of Massachusetts Bay; for which purpose about a hundred of the settlers, with Bright, one of the ministers, were sent to Charlestown, where a town was laid out by Graves, the engineer.

Endicott, since his arrival, having been in frequent intercourse with the Plymouth people, had adopted most of their views on the subject of church government. He found ready concurrence on the part of Skelton and Higginson, the two ministers who remained at Naumkeag, to which was now given the name of *Salem*, indicating a place of peace and refuge. Without any express renunciation of the authority of the Church of England, the settlers proceeded to constitute themselves into a Church of their own, of which Skelton was appointed teacher, and Higginson pastor. Delegates from Plymouth were to have been present at this ceremony, but were prevented by contrary winds; they arrived, however, in season to give the right hand of fellowship. It was significant of the opinions of the new church that the English ceremonials and Liturgy were laid aside.

All were not prepared for this innovation, and John and Samuel Browne, one a lawyer, the other a merchant,

and both members of Endicott's council, protested against it. They insisted on the use of the Liturgy, and even went so far as to institute separate worship. Availing himself of a clause in his instructions which authorized him to send home "the incorrigible," Endicott arrested the Brownes, and shipped them to England as "factious and evil conditioned"—a proceeding characteristic enough of the future policy of the colony. The Brownes made loud complaints to the company, and the governor and assistants wrote pressing on the subject to Endicott and the ministers, not without some indications of alarm. "Let it therefore seem good unto you," they say in their letter to Endicott, "to be very sparing in introducing any laws or commands which may render yourself or us distasteful to the state here, to which, as we ought, we must and will have an obsequious eye." But the management of the company's affairs was about to pass into the hands of persons less scrupulous or less timid.

Already a plan was formed for a large migration to Massachusetts Bay, and the transfer thither of the charter, and the company itself. New officers were chosen from among those who proposed to emigrate, Winthrop as governor, and Dudley as deputy, with a new board of assistants. Such of the stockholders as remained in England were to retain for seven years an interest in the company's stock, reduced, however, to cover losses and expenses, to one third its original amount. This stock, chargeable with half the military and ecclesiastical expenses of the colony, was to be placed for management in the hands of ten trustees, five resident in England and five in the colony, who were to have as compensation five per cent. on all net profits. This joint-stock was to be entitled for seven years to half the trade in beavers, the sole making of salt, and the exclusive right of trans-

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1629.

Oct. 16.

Oct. 26.

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of supplying the colonists from a store or magazine at
 1629. an advance of twenty-five per cent. on the cost. At the
 end of seven years there was to be a division among the
 stockholders. Nothing, however, is recorded of any such
 division, and probably the whole stock was soon sunk.
 There are, indeed, but faint indications of any trade car-
 ried on by the company. As a compensation for the
 diminution of their stock, the holders were to have an
 additional two hundred acres of land for every £50 orig-
 inally subscribed.

1630. Under this new arrangement, fifteen ships, equipped
 at an expense of £20,000, nearly \$100,000, conveyed
 to Massachusetts Bay a thousand emigrants, among
 them several persons of wealth and station at home,
 with four ministers, Wilson, Phillips, Maverick, and
 Warham. On board was a large stock of cattle, with
 other necessaries for beginning a settlement. This was
 by far the most numerous and best-appointed expedition
 yet dispatched from England to America.

Winthrop and Dudley, with several of the newly-
 chosen assistants, having the charter in their custody,
 embarked on the *Arbella*. While still at anchor off the
 Isle of Wight, where they were long detained by con-
 trary winds, they issued, the day before sailing, an ad-
 dress "to the rest of their brethren in and of the Church
 of England," a sort of defense against the "misreport"
 which, it seems, had begun to spread of their intention
 to separate from the English Church. That church
 was spoken of in terms of warm affection. Such "hope
 and part" as they had obtained "in the common salva-
 tion" they freely acknowledged to "have received in her
 bosom and sucked it in her breast."

A few days out, an alarm was raised of an attack by

Dunkirk privateers; but it proved false; the *Arbella*, with her three consorts, kept on their course; and, after a stormy and tedious passage, arrived, as did the other vessels also, some at Salem, and others at Charlestown. It was at Charlestown that the governor, deputy, and their immediate followers first fixed themselves. But their attention was soon attracted to the opposite peninsula, as yet in the sole possession of the solitary Blackstone. It was a tract of about six hundred acres, thinly wooded, and almost divided at high tide into three small islands, each a considerable hill, with gushing springs of fresh water. The largest hill, crowned by three distinct eminences, had gained for the peninsula the English name of Trimountain. Winthrop and his people soon took possession of this spot, and commenced a settlement, which they called Boston, after the English town in Lincolnshire, whence Johnson and others of the principal emigrants came.

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June.

July.

A ship had arrived a few days before the *Arbella*, with a company from the west of England, of whom Ludlow, Endicott's brother-in-law, was the leader. The master of that vessel put his passengers unceremoniously ashore at Nantasket; but they presently established themselves at Matapan, which they called *Dorchester*, after the city whence they came.

A third party, headed by Sir Richard Saltonstall, fixed themselves at *Watertown*, a few miles up Charles River. These three were the principal settlements. Smaller ones were established at *Roxbury*, under Pynchon; at Mystic, afterward called *Medford*, where Craddock's servants, sent out with Endicott, already had a ship-building establishment; and at Saugus, now *Lynn*. Some settlers, also, still remained at Charlestown. A site on Charles River, between Boston and Watertown, se-

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lected for the capital of the colony, soon became known as Newtown, now *Cambridge*. The magistrates were all to remove and settle there in the spring; but this was not done, except by Dudley; and Boston, in fact, became the capital.

Each settlement at once assumed that township authority which has ever formed so marked a feature in the political organization of New England. The people assembled in town meeting, voted taxes for local purposes, and chose three, five, or seven of the principal inhabitants, at first under other names, but early known as "select-men," who had the expenditure of this money and the executive management of town affairs. A treasurer and a town clerk were also chosen, and a constable was soon added for the service of civil and criminal process. Each town constituted, in fact, a little republic, almost complete in itself.

Oct. 19. The first and second Courts of Assistants were holden at Charlestown; the first General Court met at Boston, soon after Winthrop's removal thither. The transfer of the company to New England, though not prohibited by the charter, was an arrangement that instrument never contemplated, and it produced a total change in the political condition of the colony, which, from being subject to a distant corporation, now became self-governed. But the freemen, whose number at this first court must have been but small, appear on this occasion rather careless of their rights. They were induced to confer the whole power of legislation on the governor and assistants, familiarly known as the magistrates, who were also authorized to elect the governor and deputy governor out of their own body. The sole power left to the freemen was that of filling such vacancies as might occur by death or otherwise in the Board of Assistants.

Notwithstanding the dutiful and tender apostrophe addressed by the departing leaders to their "dear mother," the Church of England, no sooner had they set foot in America than distance, and the sense of freedom, inspired new sentiments, or, at least, fresh courage. Following up the system which Endicott had commenced, the plantations at Charlestown, Dorchester, and Watertown constituted themselves, after the examples of Plymouth and Salem, distinct churches, which admitted their own members and chose their own officers. The minister of the Charlestown church was Wilson; but he and the church itself were soon transferred to Boston. Wilson was believed to possess a sort of prophetic power of foretelling future events. Phillips was minister at Watertown, and Maverick and Warham at Dorchester. In organizing these churches, the charge of open separation was still evaded. The simple ceremonies employed in the induction of the ministers were represented not as a new ordination repudiating and superseding that which the ministers had received from their bishops in England, but as mere marks of their election and installation.

Military defense was not neglected. Patrick and Underhill, two officers who had seen service in the Netherlands, were appointed captains, and received salaries for training the people, weekly, in the use of arms.

While thus founding their church and state in the wilderness, these new settlers encountered some of the hardships to which all such enterprises are necessarily exposed. The long and boisterous passage had caused the loss of many cattle. Many of the new comers had landed in a debilitated state. They found the emigrants of the preceding year sick, and short of provisions. As an inducement to shift for themselves, it was judged best at once to give liberty to some two hundred indented

CHAPTER VII. servants of the company. The colony surgeon was one

1630. of the first victims of disease. Notwithstanding the assistance of Fuller, a practitioner from Plymouth, who professed some knowledge of the disorders of the climate, more than two hundred died before December; among the rest, Isaac Johnson, a principal leader in the enterprise, and his wife, the Lady Arbella; also Higginson, the pastor of the Salem church. A short experience of discomforts and privations sufficed with many of the immigrants to dissipate the visions which had seduced them across the Atlantic, and more than a hundred, including some who had been very zealous, returned home by the same ships in which they came. Among these returning passengers were William Vassall, one of the assistants, and Bright, one of the ministers, neither of whom seem to have been quite satisfied with the civil and ecclesiastical polity which the immigrants were determined to adopt. Vassall, however, presently came back, and settled in Plymouth colony.

1631. A winter followed cold beyond any English experience. Many of the "poorer sort," badly sheltered in booths and tents, and insufficiently clothed and fed, suffered severely. Before the winter was over, the infant colony was threatened with famine; but the seasonable return of a vessel which had been dispatched to England for provisions raised the spirits of the colonists, and the fast that had been ordered was changed for a thanksgiving. A few additional emigrants came in this vessel; among others, Roger Williams, a young minister, destined to play a conspicuous part. When she returned, Sir Richard Saltonstall, with a portion of his family, embarked in her. He never came back again; but his two sons remained in the colony, and he still continued to be interested in it, though not altogether satisfied with

the strict regimen which the colonists adopted. "If any come hither to plant for worldly ends, that can well stay at home," wrote Dudley, by the same opportunity, to the Countess of Lincoln, "he commits an error of which he will soon repent him; but if for spiritual, he will find here what may well content him, materials to build, fuel to burn, ground to plant; seas and rivers to fish in, a pure air to breathe in, good water to drink till wine or beer can be made, which, with the cows, hogs, and goats brought hither already, may suffice for food. For clothes and bedding, they must bring them with them, till time and industry produce them here. In a word, we yet enjoy little to be envied, but endure much to be pitied in the sickness and mortality of our people. If any godly men, out of religious ends, will come over to help us in the good work we are about, I think they can not dispose of themselves or their estates more to God's glory and the furtherance of their own reckoning. But they must not be of the poorer sort yet for diverse years; and for profane and debauched persons, their oversight in coming here is wondered at, where they shall find nothing to content them."

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1631.

At the second General Court, a hundred and seven-
teen new freemen were admitted, including several old
planters. Thus re-enforced, the freemen showed some
jealousy of the close oligarchy to which the preceding
court had intrusted the government of the colony. They
claimed the right of annually nominating new assistants,
and of passing upon those in office, reduced already by
deaths and departures to seven in number. May 18.

But this court is principally remarkable for the adoption of that theocratic basis on which, for the next half century, the government of Massachusetts continued to rest. No man was hereafter to be admitted a freeman—

CHAPTER VII. that is, a citizen and a voter—unless he were a member

of some one of the colony churches; and admission to
1631 those churches was by no means an easy matter. Not

a fourth part of the adult population were ever members. To an orthodox confession of faith, and lives conformable to Puritan decorum, candidates for church membership were required to add a satisfactory religious experience, to be recited in the face of the congregation, of which the substantial part was an internal assurance of change of heart and a lively sentiment of justification as one of God's elect. As respected equality among themselves, these church members were strongly imbued with a democratic spirit, and were very jealous of any approach to hierarchical or even to Presbyterian forms. But toward those not of the church they exhibited all the arrogance of a spiritual aristocracy, claiming to rule by divine right.

A Church, in the Massachusetts sense, was defined to be "a body of believers associated together for mutual watchfulness and edification." There were regularly two ministers to each church—a teacher "to minister a word of knowledge," and a pastor "to minister a word of wisdom;" but this distinction, which appears never to have been very precise, soon disappeared, and most of the churches came by degrees to be content with supporting one minister. The ministers were commonly designated as "the elders," or sometimes "teaching elders," to distinguish them from the ruling elders, who held the third rank in the church. These ruling elders were selected from among the laymen, "ancient, experienced, godly Christians, of lion-like courage when the sound and wholesome doctrines delivered by pastor or teacher are spoken against by any." There were also deacons, "plain-dealing men, endued with wisdom from above, to manage the church treasury."

The churches were nominally independent, yet no single church could venture, any more than any single church member, upon any novelties of doctrine or discipline, nor appoint nor retain officers not approved by the other churches. This was soon made apparent when the Salem church wished to settle Roger Williams as Higginson's successor. That ardent and vehement young minister, a decided separatist, did not hesitate to stigmatize the Church of England as anti-Christ; a piece of boldness which did not correspond with the temporizing policy as yet adopted in Massachusetts. Accordingly, the magistrates interfered, and Williams retired to Plymouth, where he remained for two years, "being freely entertained there, and his teaching well approved." CHAPTER
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According to the system established in Massachusetts, the church and state were most intimately blended. The magistrates and General Court, aided by the advice of the elders, claimed and exercised a supreme control in spiritual as well as temporal matters; while, even in matters purely temporal, the elders were consulted on all important questions. The support of the elders, the first thing considered in the first Court of Assistants held in Massachusetts, had been secured by a vote to build houses for them, and to provide them a maintenance at the public expense. This burden, indeed, was spontaneously assumed by such of the plantations as had ministers. In some towns a tax was levied; in others, a contribution was taken up every Sunday, called voluntary, but hardly so in fact, since every person was expected to contribute according to his means. This method of contribution, in use at Plymouth, was adopted also at Boston; but, in most of the other towns, the taxing system obtained preference, and subsequently was established by law. Besides the Sunday services,

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1631. protracted to a great length, there were frequent lectures on week days, an excess of devotion unseasonable in an infant colony, and threatening the interruption of necessary labor; so much so, that the magistrates presently found themselves obliged to interfere by restricting them to one a week in each town. These lectures, which people went from town to town to attend; an annual fast in the spring, corresponding to Lent, and a thanksgiving at the end of autumn to supersede Christmas, stood in place of all the holidays of the papal and English churches, which the colonists soon came to regard as no better than idolatrous, and any disposition to observe them—even the eating of mince pies on Christmas day—as superstitious and wicked. In contempt of the usage of those churches, marriage was declared no sacrament, but a mere civil contract, to be sanctioned, not by a minister, but a magistrate. The magistrates, also, early assumed the power of granting divorces, not for adultery only, but in such other cases as they saw fit. Baptism, instead of being dispensed to all, as in the churches of Rome and England, was limited as a special privilege to church members and their “infant seed.” Participation in the sacrament of the Supper was guarded with still greater jealousy, none but full church members being allowed to partake of it.

Besides these religious distinctions, there were others of a temporal character, transferred from that system of semi-feudal English society in which the colonists had been born and bred. A discrimination between “gentlemen” and those of inferior condition was carefully kept up. Only gentlemen were entitled to the prefix of “Mr.,” their number was quite small, and deprivation of the right to be so addressed was inflicted as a punishment. “Good man” or “good woman,” by con-

traction, "goody," was the address of inferior persons: Besides the indented servants sent out by the company, the wealthier colonists brought others with them. But these servants seem, in general, to have had little sympathy with the austere manners and opinions of their masters, and their frequent transgressions of Puritan decorum gave the magistrates no little trouble.

The system of manners which the founders of Massachusetts labored to establish and maintain was indeed exceedingly rigorous and austere. All amusements were proscribed; all gayety seemed to be regarded as a sin. It was attempted to make the colony, as it were, a convent of Puritan devotees—except in the allowance of marriage and money-making—subjected to all the rules of the stricter monastic orders.

Morton, of Merry Mount, who had returned again to New England, was seized and sent back, his goods confiscated, and his house burned, as the magistrate alleged, to satisfy the Indians; but this, according to Morton, was a mere pretext. A similar fate happened to Sir Christopher Gardiner, a knight, or pretended knight, of the Holy Sepulcher, an ambiguous character, attended by a young damsel and two or three servants. Suspected as the agent of some persons who claimed a prior right to some parts of Massachusetts Bay, he was charged with having two wives in England, and with being a secret papist. He fled to the woods, but was delivered up by the Indians, and sent home, as were several others whom the magistrates pronounced "unfit to inhabit there." Walford, the smith, the old settler at Charlestown, banished for "contempt of authority," retired to Piscataqua, which soon became a common asylum of refugees from Massachusetts. The sociable and jolly disposition of Maverick, described by Josselyn, an early traveler, as "the

only hospitable man in the colony," gave the magistrates abundance of trouble, and subjected Maverick himself to frequent fines and admonitions. Others, who slandered the government or churches, or wrote home discouraging letters, were whipped, cropped of their ears, and banished.

These harsh proceedings produced in England an effect not very favorable to the colony. Many discouraging stories were also told by those faint-hearted persons who went back voluntarily. In the year following the great migration, only ninety new comers arrived in Massachusetts, chiefly the families of those already there; among them, John Winthrop the younger, eldest son of the governor, and hardly less distinguished than his father in the annals of New England; also John Eliot, a young minister, afterward famous as the apostle of the Indians.

The Brownes, so summarily sent home by Endicott, had preferred against the company a claim for damages, which had been referred to arbitrators, but remained unsettled. They presently joined with Morton and others in a petition to the Privy Council; nor was it without difficulty, and by dwelling with peculiar emphasis on the benefits to trade and the fisheries likely to result from this new settlement, that the members of the company resident in England succeeded in parrying these complaints. Arguments of this sort carried the more weight, from the strong interest the king's government had in sustaining whatever tended to increase the royal customs, especially now that it had been resolved to call no more Parliaments. The infant colony had found an unexpected champion in the veteran John Smith, who published, just before his death, a favorable description of New England, with a vindication of the colonists from those charges of schism which already, at the moment of their

departure, were freely urged against them; charges to which Morton gave a new impulse by the publication of his "New English Canaan." CHAPTER
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1632.

In virtue of the extensive authority conferred upon them at the first General Court, the magistrates had exercised on several occasions the power of levying taxes. They voted in these cases a gross sum, apportioned to the towns according to their estimated ability, leaving each town to assess and collect its separate proportion—the same method still followed in New England. Two such rates, one for a creek or canal from Charles River to Newtown, which it was still proposed to make the capital of the colony, the other for fortifying that town by a palisade, had occasioned some opposition. The people of Watertown resolved "that it was not safe to pay moneys after that sort, for fear of bringing themselves and their posterity into bondage." For this resistance to authority, they were had up before the magistrates, and were obliged to retract; but the next General Court took the matter in hand, and an order was made for two deputies to be chosen from each plantation, to confer with the magistrates "about raising a common stock." The tenure of office, on the part of the assistants, was expressly limited by this court to one year. The choice of governor and deputy governor was also reassumed by the freemen, but it was agreed that they should always be chosen from among the magistrates. In the exercise of the rights thus vindicated, the freemen were very moderate. There was little of change or rotation in the board of magistrates; persons once chosen to it were never left out but for some extraordinary cause. The seats at that board, which, notwithstanding the charter number of eighteen, never exceeded eight or ten, were held by a few leading persons, conspicuous for wealth and godliness, who remain-

Feb.

May 9.

CHAPTER VII. ed substantially magistrates for life, with the important

check, however, that they might at any time be left out
1632. by the freemen. The proposed capital at Newtown was

presently abandoned; Boston was agreed to be the "fittest place for public meetings of any in the bay," and a fort and house of correction were ordered to be built there.

1633. The next year, the fourth since the great migration, several hundred settlers arrived; among them, John Haynes, "a gentleman of great estate," and those godly ministers, Cotton, Hooker, and Stone. Cotton became colleague with Wilson over the Boston church. Hooker and Stone settled at Newtown, where a church was presently constituted, over which they were placed. A new church had been gathered at Charlestown, and another at Roxbury, of which Eliot became teacher, and Welde pastor.

This influx of immigrants caused an increased demand for labor, and led the magistrates to renew an experiment they had once tried already of regulating the rate of wages. Carpenters, masons, and other mechanics were to have two shillings—forty-eight cents—per day, and find their own diet; ordinary workmen one and sixpence, or thirty-two cents. The workmen, thus restricted, raised an outcry at the excessive cost of imported goods; and the magistrates, at their next session, limited prices at an advance of one third on the cost of importation. Corn at this time was six shillings—near a dollar and a half—per bushel, at which rate it was a tender in payment of debts; but it soon sunk to three or four shillings. These attempts to regulate wages, though not very successful, were long persevered in; but it was presently left to the towns to fix the rates. The traders were less manageable than the laborers, and the attempt to limit the price of goods was early abandoned.

As a terror to idlers, the constables, by another enactment of this court, were ordered to present all "common CHAPTER
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coasters, unprofitable fowlers and tobacco-takers"—one 1633.
of many ineffectual attempts to restrain the use of tobacco. Equally vain were the endeavors of subsequent courts to limit the excessive use of other luxuries in food and apparel. Disappointed in the success of its legislation on these points, the court appealed to the elders for aid. Little, however, was done about it, "divers of the elders' wives," as Winthrop informs us, "being in some measure partners in this disorder."

By order of court, a market was set up at Boston, to 1634.
be kept on Thursday, the weekly lecture-day for that March.
town. Samuel Cole set up the first house of common entertainment, and John Cogan, merchant, the first shop. The narrow limits of the peninsula no longer sufficed for this growing capital. The inhabitants already had farms in what is now Brookline, and a year afterward they "had enlargement" at Rumney Marsh, now Chelsea, and also at Mount Wollaston. But this latter plantation was soon made a separate town, and called *Braintree*.

The small-pox having broken out among the Indians of New England, it spread from tribe to tribe, and committed great ravages. The petty tribes in the immediate vicinity of Massachusetts Bay, the small remains left by former pestilences, were now almost exterminated by it.

Much trouble had been experienced from the trespasses of swine on cultivated grounds. After several ineffectual regulations made by the magistrates, a new and harsher one, which authorized the killing of trespassing animals, occasioned a ferment, which led to an important constitutional change. Two delegates chosen April
by each town met, and requested a sight of the charter;

CHAPTER VII. upon an examination of which, they concluded that the legislative authority rested not with the magistrates, but with the freemen. On that point they asked the governor's opinion, who replied, that when the patent was granted, it was supposed the freemen would be so few, as in other like corporations, that all might well join in making laws; but now they were grown so great a body, that was impossible, and they must choose others for that purpose. Yet the whole number of freemen admitted since the transfer of the charter, including those made at the next court, was but a few more than three hundred, and the "great body" which the governor esteemed too unwieldy for legislation did not exceed the present ordinary number of the Massachusetts Legislature. In the governor's opinion, "the commons" were not yet furnished with a body of men adequate to the duties of legislation; he proposed, however, the appointment of a certain number yearly, not to make laws, but to prefer grievances to the Court of Assistants, whose consent might also be required to all assessments of money and grants of lands.

The freemen were not to be satisfied with any such restricted power; and when the General Court met, May 14. that body claimed for itself, under the charter, the admission of freemen, the choosing of all principal officers, the making of laws, granting lands, raising money, and the revision, by way of appeal, of all civil and criminal procedures. By the terms of the charter, four General Courts were to be held in a year. It was arranged, however, that while all the freemen assembled annually for the choice of officers, they should be represented in the other three courts by a body of delegates elected by the towns, "to deal on their behalf in the public affairs of the Commonwealth," and for that purpose "to have

derived to them the full voice and power of all the said freemen." CHAPTER
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This political revolution was naturally followed by a change in the head of the government, though some effort was made to prevent it. Previous to the election a sermon was preached to the assembled freemen, a usage still perpetuated in the annual sermon before the General Court of Massachusetts. Cotton, the new minister of Boston, delivered on that occasion this doctrine, that a magistrate ought not to be turned into the condition of a private man without just cause, and a public trial on specific charges, "no more than the magistrates may not turn a private man out of his freehold without like public trial." This sermon, however, did not prevent the freemen from electing Deputy-governor Dudley into Winthrop's place. A jealousy between these two rival chiefs, which had already displayed itself on several occasions, recommended Dudley as the successor of Winthrop, though he was not a whit more moderate in his notions of magisterial authority, and was naturally of a much harsher and more exacting disposition. Dudley's place as deputy was filled by Ludlow.

Yet Cotton's sermon was not entirely thrown away. Winthrop was still retained as an assistant, as were all his colleagues. Some of them "were questioned for some errors in their government," and some fines were imposed; but these were remitted before the court broke up. The ex-governor was a good deal mortified at being called upon for a statement of his accounts, which he seemed to regard, very unnecessarily, as a reflection on his integrity. This statement, promptly rendered and placed upon record at the ex-governor's request, showed Winthrop to have been a considerable loser by his office. During the continuance of the first charter, the station

CHAPTER of governor was rather one of honor than of profit, the
 VII. compensation voted from time to time never exceeding
 1634. three or four hundred dollars annually.

Under Winthrop's four years' administration the infant colony had been firmly planted. Already there were seven churches, and eight principal plantations, besides several smaller ones. Ferries had been established between Boston, Charlestown, and Winnissimmet; a fort had been built at Boston; water-mills had been set up at Roxbury and Dorchester, and wind-mills at other places. A bark of thirty tons, called the "Blessing of the Bay," had been built and rigged at Winthrop's expense, and another, the "Rebecca," of sixty tons, at Medford, where Cradock had a ship-yard—a branch of business carried on there from that day to this. A trade in corn and cattle had commenced with Virginia, and an exchange of furs for West India goods with the Dutch at Manhattan. This steadiness and perseverance soon made itself felt. The New England churches, unshackled by traditional institutions, and constructed, it was thought, on the pure Bible model, became the admiration and envy of the English Puritans; and, the first difficulties of the enterprise overcome, the tide of immigration was already pouring into Massachusetts Bay.

The eastern coasts, meanwhile, had not been wholly neglected. Mason and Gorges had made a partition of
 1629. their province of Laconia, and Mason had obtained, in his own name, a new and separate grant for that portion of it between the Merrimac and the Piscataqua, extending sixty miles into the interior. This new province was called NEW HAMPSHIRE, after the English county in which Mason lived. For the advancement of the settlements on the Piscataqua, two companies had been formed, to which separate grants from the Council for New En-

gland were presently issued. The company for the upper plantation, or Dover, was composed of west-of-England merchants; that for the lower plantation, or Portsmouth, of London merchants, with whom Mason and Gorges were partners. The same summer with the great emigration to Massachusetts Bay, Walter Neal was sent out as governor of the lower plantation. In search of the great lakes of Canada, of which some rumor had been heard from the Indians, he penetrated inland almost to Lake Winnipiseogee, but failed to open that lucrative fur trade which his employers had hoped. Mason and Gorges soon bought out the other partners, and became the sole proprietors of Portsmouth. The adventurers for the upper settlement, or most of them, sold out not long after to the Lords Say and Brooke, two Puritan noblemen much engaged in plantation projects.

The coast from the Piscataqua to the Kennebec was covered by six other patents, issued in the course of three years by the Council for New England, with the consent, doubtless, of Gorges, who was anxious to interest as many persons as possible in the projects of colonization, to which he was himself so much devoted. Several of these grants were for small tracts; the most important embraced an extent of forty miles square, bordering on Casco Bay, and named LIGONIA. The establishments hitherto attempted on the eastern coast had been principally for fishing and fur trading; this was to be an agricultural colony, and became familiarly known as the "Plow patent." A company was formed, and some settlers were sent out; but they did not like the situation, and removed to Massachusetts. Another of these grants was the Pemaquid patent, a narrow tract on both sides of Pemaquid Point, where already were some settlers. PEMAQUID remained an independent community for the next forty years.

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The region granted to Sir William Alexander, by the name of Nova Scotia, but which the French claimed also

1627. by the name of Acadie, had passed, along with Canada, into the hands of a joint-stock association of French merchants—The Hundred Associates, or Company of New France. The foolish vanity of the favorite Buckingham having brought about a war between France and England, Sir William Alexander availed himself of the opportunity to take forcible possession of the province. He joined for that purpose with Sir David Kirk, or Kertz, an adventurous refugee Huguenot, who took command of a fleet of nine vessels, fitted out at their joint expense. Having in-

1628. tercepted the supplies sent out by the Company of New France, and gained possession of Port Royal, Kirk proceeded toward Quebec, where Champlain was still governor. Informed, however, of the approach of some other French vessels, sent by the company with supplies, he turned about to meet them. The squadrons encountered off the Bay of Gaspé, and all the French vessels were taken. The next year, having first received the submission of some French settlers on the Island of Cape Breton, Kirk ascended the St. Lawrence a second time. Cut

1629. off from all communication with France, and in distress for provisions, Quebec, with its starving inhabitants, about a hundred in number, gladly surrendered. But peace was already made in Europe; and under the treaty and the negotiations that followed it, not Canada only,

1632. but Cape Breton and Acadie, passed again to the French. The limits of Acadie toward the west were wholly unsettled. Razzillai, appointed governor for the Company of New France, had a grant of the river and bay of St. Croix; but he preferred to establish himself at La Hâve, on the exterior coast of the Acadien peninsula. The people of Plymouth, encouraged by their successful In-

dian trade at the Kennebec, had established a trading-house on the Penobscot, and another still further east, at Machias, almost at the entrance of the Bay of Fundy. The trading-house at the Penobscot was soon visited and rifled by a French pinnace; that at Machias shared, the next year, the same fate; and notice was given by the French commanders that they would not allow English trade or settlement any where eastward of Pemaquid Point, a promontory about half way from the Penobscot to the Kennebec. The French were not only rivals in trade, but, what was worse, they were papists, and the people of Massachusetts feared they might prove but "ill neighbors."

Their commerce thus curtailed toward the eastward, the people of Plymouth, notwithstanding the refusal of Massachusetts to co-operate with them, and disregarding the protests and threats of the Dutch, established a trading post on Connecticut River, as mentioned in a previous chapter. Since the settlement of Massachusetts Bay, the ancient and enterprising colony of New Plymouth had received considerable accessions, though it still remained, as it always did, far inferior to its younger neighbor.

Sept.

CHAPTER VIII.

SETTLEMENT OF MARYLAND. PROGRESS OF VIRGINIA.

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IT was not Puritan nonconformists alone who were exposed to persecution in England. The Catholics, at the other end of the religious scale, in numbers and means a formidable body, including many of the ancient nobility, were watched with even greater jealousy, and subjected to far severer penalties. The Catholics constituted from the beginning what the Puritans came to do only by degrees, not a religious sect merely, but a political party, an inevitable consequence of the supposed necessity, in those times, of maintaining a unity of religious faith. It was not toleration, but supremacy, for which Catholics and Puritans alike sought; while the Church of England, for the maintenance of her own supremacy, struggled equally against both. As against the Catholics, she was sustained, and, indeed, constantly instigated to new severities by the Puritans, who looked upon the ancient faith and its professors with mingled feelings of hatred and terror, of which it is not easy, at this time, to form any very adequate idea. In those feelings the great mass of the English people strongly sympathized. The terrible times of "Bloody Mary," yet fresh in the public recollection; the famous Spanish Armada, fitted out for the express purpose of carrying into effect the pope's sentence of excommunication and deposition against Elizabeth; the repeated outbreaks of the Catholic nobles during her time, and, still more recently, the foolish and fanatical gunpowder plot; the

Catholic reaction which had been going on for many years on the Continent under the influence of the Jesuits, resulting at last in a war which threatened the Protestant princes of Germany with extinction; the probability that the English Catholics might receive aid from the Continent to re-establish their religion by force; more than all, the evident inclination of James and Charles, in common with most of the Protestant sovereigns of that age, to moderate the severity of the penal laws against the Catholics, as one step toward some sort of arrangement or understanding with the pope—all these causes combined to inflame the minds of the Puritans, and while they cried out against the exacting tyranny of the bishops, they cried out not less loudly for the strict enforcement of the penal laws against the Catholics. So far as persecution was concerned, the Catholics had even stronger inducements to emigrate than the Puritans.

About the beginning of James's reign, George Calvert, 1604 a gentleman of Yorkshire, a graduate of Oxford, had been appointed, by the favor of Sir Robert Cecil, to a subordinate office in the state department. After years of service, he was knighted, and made clerk of the Privy Council; and, finally, he rose to the office of Secretary of State. 1619. Calvert was originally a secret Catholic, or he gradually became one; but, so long as he remained in office, it was necessary to conceal his opinions. A member, from the beginning, of the Virginia Company, he was early interested in American colonization. Presently he resolved to try an experiment of his own, and for that purpose obtained the grant of *Avalon*, on the southeast coast of the island of Newfoundland, where, a year or two after the 1622. settlement of the Pilgrims at Plymouth, he began a little colony called *Ferryland*.

With the rapid growth of the Puritan party, the cry

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against the Catholics became louder and louder. Calvert presently resigned his office, and, with a frankness which must be taken as proof of his sincerity, he avowed his adherence to the Catholic faith. But this avowal did not destroy his favor at court; for, soon after, in reward of his past services, he was created an Irish peer, with the title of Lord Baltimore. Calvert twice visited his colony in Newfoundland; but that region, cold and sterile, was not only liable to the opposing claims of the French and Spanish, whose fishing vessels, for a century, had frequented that coast, but there was even danger of collision with the English fishermen, who insisted on the free use of all the shores and harbors, and regarded with hostile eyes all pretensions to exclusive possession.

Having found out, by inspection and residence, the disadvantages of his Newfoundland province, Lord Baltimore, about the time of Endicott's settlement at Salem, paid a visit to Virginia, where, however, he was not very hospitably received. Under a standing law of the colony, the Oath of Supremacy was tendered to him—an oath purposely so contrived that no conscientious Catholic could take it. Nor did he even escape personal insult. The Protestant feeling was evidently too strong in Virginia to make it a desirable residence for Catholic immigrants. But there was a large, unoccupied region north of the Potomac, and Baltimore easily obtained from Charles I. the grant of a province, to which, in honor of the queen, Henrietta Maria, he gave the name of MARYLAND.

The Potomac, with a line due east from its mouth, across Chesapeake Bay and the peninsula called the eastern shore, formed the southern boundary of this new province; on the east it had the ocean and Delaware Bay; on the north, the fortieth degree of latitude, the southern boundary of the great New England patent; and, on

the west, a line due north from the westernmost head of the Potomac. Before the patent had passed all the necessary formalities, Lord Baltimore died; but the charter was issued, in the terms previously agreed upon, to his son and heir Cecilius, who zealously devoted himself to carry out his father's plans. This charter, carefully drawn under the inspection of the first Lord Baltimore, became a model, in most respects, for all American charters subsequently granted. It created the grantee and his heirs "true and absolute lords and proprietors" of the province, with all the rights of a separate, though subordinate jurisdiction, appertaining, under the English law, to a County Palatine. The proprietary had "free, full, and absolute power" to enact all necessary laws, not, however, without "the advice, consent, and approbation of the freemen of the province," or their representatives convoked in general assembly—the first provision in any American patent for securing to the colonists a share in legislation. No similar clause was found in either the Virginia, the New England, or the Massachusetts charters. All laws thus to be made must, however, be "consonant to reason, and not repugnant or contrary, but, so far as conveniently might be, consonant to the laws of England"—an important restriction upon local legislation, imposed alike upon all the colonies. Of his own mere authority the proprietary might establish "fit and wholesome ordinances," provided they conformed to English law, and did not extend to life or member, nor affect any interest in freehold, goods, or chattels—a limitation which restricted this power within very narrow limits. He was authorized, also, to establish necessary tribunals, civil and criminal, and had the patronage and advowson of all churches, the right of erecting places of worship, to be consecrated according to the "ecclesiastical law of En-

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- gland," and power, also, to incorporate cities, and grant titles of honor. The right of emigrating to the province, and the enjoyment there, by them and their posterity, of all the privileges of native-born Englishmen, were secured to all English subjects, "except such to whom it shall be expressly forbidden." Whatever might have been the intentions of Lord Baltimore, or the favorable disposition of the king, there was no guarantee in the charter, nor, indeed, the least hint of any toleration in religion not authorized by the law of England. The introduction of such a provision, especially in favor of the hated Catholics, would have been altogether too abhorrent to English prejudices.
1633. Even as it was, this charter encountered a warm opposition, at the head of which was William Clayborne, secretary, and one of the Council of Virginia. Originally a land surveyor, Clayborne had been employed in the exploration of Chesapeake Bay, and had thus been led into speculations for trade with the Indians. He had induced some persons of influence in England to
1631. join him, and by their aid had obtained a royal license for "trading in all those parts for which patents of sole trade had not already been granted." Under this license he had established a post on the Isle of Kent, in the Chesapeake, and another at the mouth of the Susquehanna, both within the chartered limits of Maryland. Clayborne and his associates questioned the legality of a grant thus likely to interfere with their license. On this point they obtained a hearing before the Privy Council, which decided, however, to leave Lord Baltimore to his patent, and the complainants to the course of law. Orders at the same time were sent to Virginia for a good understanding between the two colonies, and that neither should entertain fugitives from the other.

Under the leadership of Leonard Calvert, a natural son of the first Lord Baltimore, several Catholic gentlemen, with their indented servants, embarked for Maryland, in two ships, the Ark and Dove. Like the first settlers of Virginia, they proceeded by way of the West Indies, and spent the winter at Barbadoes and St. Christopher's, then recently occupied by English colonists. Early in the following year they arrived in the Chesapeake, where they met a courteous reception from Harvey, the governor of Virginia. On the northern shore of the Potomac, not far from its mouth, Calvert found, on the banks of a little tributary stream, an Indian village, which the inhabitants, through fear of their enemies the Susquehannas, were about to desert. By an arrangement made with these Indians, the newly-arrived colonists at once occupied the town, to which they piously gave the name of *St. Mary's*, and on the old Indian fields they raised that same season an abundant crop of corn.

The Dove was presently dispatched to Massachusetts with a cargo of this corn, to exchange for fish. She carried a friendly letter from Calvert, and another from Harvey; but the magistrates were rather suspicious of a people who "did set up mass openly." Some of the crew were accused of reviling the inhabitants of Massachusetts as "holy brethren," "the members," &c., and, just as the ship was about to sail, the supercargo, happening on shore, was arrested, in order to compel the master to give up the culprits. The proof failed, and the vessel was suffered to depart, but not without a special charge to the master "to bring no more such disordered persons."

Meanwhile the quarrel with Clayborne was coming to a head. He was accused of spreading reports among the Indians unfavorable to the new colony, and he even carried his hostility so far as to fit out a pinnace, under color

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of his exclusive rights of trade, with orders, it was said, to capture all water craft belonging to the Maryland colonists. This cruiser was pursued by two armed boats from St. Mary's, and a miniature naval engagement followed, in which several men were killed and the officers of the pinnace made prisoners. The Isle of Kent was taken possession of by the victorious Marylanders. Clayborne, who escaped to Virginia, was claimed by Calvert as a fugitive from justice; but Harvey thought proper to send him to England.

The Virginians looked upon the Maryland colonists as intruders, and the grant of that province as an encroachment. They were inclined, therefore, to take sides with Clayborne. Harvey, the governor, was unpopular on other accounts, especially by reason of certain grants of land, as to which he was accused of favoritism. He was suspended from office by the council, and, on April 28. petition of many inhabitants, an assembly was called to receive complaints against him. Harvey agreed to go to England to answer such charges as might be laid before the king, and John West was appointed by the council to act as governor in the interval. The persons sent home to accuse Harvey were not even admitted to a hearing, and the deposed governor returned to Virginia with a new commission, under which he remained in office three or four years longer, till at length he was superseded by Sir Francis Wyatt.

Maryland, meanwhile, continued to receive additional settlers, though not in any considerable numbers. Besides liberal grants to those already there, the proprietary promised to all new comers a thousand acres of land for every five men transported to the colony, these grants to be erected into manors, to be held at a yearly rent of twenty shillings for every thousand acres, payable in

commodities. Immigrants of less means were promised a hundred acres for themselves, as many more for their wives, a hundred for each man servant, fifty for each child, and the same for each maid servant, to be held at a like rent. Through these quit-rents the proprietor hoped to derive some return for his heavy outlays, which amounted in the two first years of the colony to £40,000, or about \$192,000. CHAPTER
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Already an assembly had been held, and a body of laws had been enacted; but these the proprietary had rejected on the ground that, under the charter, the initiative in legislation belonged to him. He presently sent over a set of statutes drawn up by himself, to be laid before a second assembly; but that body declined to admit the initiative claimed by the proprietary, or to sanction his proposed laws. Clayborne's officers, captured in the sea-fight, were tried before this assembly for murder, and found guilty. Clayborne himself was attainted, and his property at Kent Island confiscated. 1635.

Lord Baltimore having yielded the disputed point of the initiative, a third assembly was held, at which the first statutes of Maryland were enacted. This assembly was composed partly of deputies from the several hundreds into which the colony had been divided, and partly of individuals specially summoned by the governor. The first business was an act "establishing the House of Assembly," which confirmed the constitution of that body as above described—a constitution which remained in force as long as Maryland continued a colony, except that subsequently those called by special summons sat apart as an upper house, with a negative on the deputies. Yet the individual right of each freeman to be present in the assembly was but gradually disused. At this very session, and also in subsequent assemblies, individuals were 1639.

admitted to take their seats in person, on the ground of non-assent on their part to the appointment of burgesses from those hundreds to which they belonged.

After thus legalizing its own Constitution, and adopting certain rules of proceeding, the assembly took in hand a number of bills establishing a system of municipal law. These bills were carried forward to their last stage, but, for some reason which does not appear, they did not receive the final assent of the assembly. An act was passed instead, in sixteen short sections, a sort of recapitulation of those bills, but less precise and exact. Among these unpassed bills was one relating to crimes and punishments, which deserves notice, as throwing some light on the manners and opinions of the colonists. This bill created, besides treasons, which were very comprehensive, fourteen felonies punishable with death. Among them, assault upon the governor, or any judge, attended with bloodshed; giving or selling guns or powder to the Indians, or teaching them their use; polygamy; sacrilege; idolatry; sorcery and blasphemy, defined to be "a cursing or wicked speaking of God:" the punishment in the last three cases to be by burning. Seven other felonies were enumerated, for which the offender was to suffer death by hanging, "except he can read clerk-like, and then he shall lose his hand, or be burned in the hand or forehead with a red-hot iron, and forfeit his land and goods." This was "the benefit of clergy" borrowed from the English law. One of these felonies to which "book was allowed" was "stealth of one's self, which is the unlawful departure of a servant out of service, or out of the colony, without the privity or consent of the master or mistress." The act of a subsequent assembly made this offense capital on the first conviction. Among the inferior offenses enumerated in

these bills, and made punishable by imprisonment, fine, or whipping, were "withdrawing one's self out of the province to reside among any Indians not Christianized;" 1639. CHAPTER
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fornication; adultery; not making proper provision of food, lodging, or clothing for servants, or not fulfilling contracts with them; disobedience or neglect on the part of servants; working on the Lord's day, or other holy days; eating flesh in Lent, or on other days wherein it is prohibited by the law of England; giving false alarms, or not answering an alarm.

The law actually passed made no such specific provisions. For crimes extending to life or member, the offender was to be first indicted, and then tried by a jury of "twelve freemen at the least;" the court, which consisted of the governor and council, to inflict such punishment as they might think the offense deserved. In civil cases the governor was sole judge, with the assistance, however, of such counselors as he saw fit to call in. He was to do justice according to the laws and "laudable usages" of the province; and when other rule was wanting, the law of England was to govern. For the convenience of the people at the Isle of Kent, the commander there was authorized to hold civil and criminal courts in the governor's stead; and monthly or county courts, like those of Virginia, were presently established for the benefit of the rest of the province. The probate of wills and granting of administrations was given to the secretary. The assembly itself, as in Virginia and New England, remained the final court of appeal. When the goods of a creditor were not sufficient to pay his debts, they were to be sold "at an outcry," and the proceeds to be distributed, in the ratio of their respective claims, among the creditors "inhabiting within the province." This exclusion of foreign creditors was borrowed from

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Virginia, in which province they could not even sue except for the price of goods sold to be transported thither.

1639. Debts due the proprietary, and fees of public officers, were entitled, however, to priority of payment; but those contracted for "wines and strong waters" were only to come in after all others were fully paid. Every person employed in planting tobacco was required to plant and tend two acres of corn. Provision was made for building a water-mill at the public expense.

It was provided in this same act, in the words of Magna Charta, that "Holy Church within this province shall have all her rights and liberties." As the proprietor and most of the colonists were Catholics, it must have been the Catholic Church that was meant. Yet it was no part of Lord Baltimore's plan to establish an exclusive Catholic colony. A proclamation of the governor had expressly prohibited "all unseasonable disputations in point of religion, tending to the disturbance of the public peace and quiet of the colony, and to the opening of faction in religion;" and under this proclamation one William Lewis, a zealous Catholic, for his abuse of a book of Protestant sermons, which certain indented servants delighted to read, and forbidding them to read it, had been fined, and obliged to give security to keep the peace. It was quite as much as the state of feeling in England would permit that the public exercise of the Catholic religion should be allowed in the colony; it never would have been endured that Protestantism should be excluded. Baltimore was no zealot; his great object was to procure settlers, and he presently sent agents for that purpose, though without success, even to Puritan New England.

The large quantities of tobacco produced in Barbadoes, Antigua, and the other English settlements in the West

Indies, added to the increased crop of Virginia and Maryland, had reduced the price of this staple to threepence, about six cents, per pound. Alarmed at this reduction, the Virginia Assembly made fresh efforts, by diminishing the quantity, to raise the value. In order to bring down the total produce for the year to a million and a half of pounds, half the crop was ordered to be burned, and the crops of the two succeeding years were to be kept still smaller. But tobacco was the currency as well as the staple of the colony, and to obviate the difficulty in paying debts likely to arise from this diminished production, all creditors were required to take forty pounds for the hundred, and to be content, "during the stint," with receiving two thirds even of that reduced amount. Such was the first American stop law. The tobacco made the next year was not to be sold for less than a shilling a pound, nor that of the succeeding crop for less than two shillings, under pain of forfeiture. How this scheme succeeded we are not informed.

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PROGRESS OF MASSACHUSETTS. CONNECTICUT. PROVIDENCE. RHODE ISLAND. NEW HAVEN. NEW SOMERSET. MAINE.

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1634. **I**MMEDIATELY after the election in Massachusetts, at which the freemen had reclaimed their rights of legislation, three deputies from each of the eight principal plantations took their seats with the magistrates, and this first representative court proceeded to the enactment of some important laws. The session was held in the Boston meeting-house, and lasted three days. It was ordered that jurors be selected in each town, and that all cases involving life or banishment be tried by jury or by the General Court. Rejecting that system of poll taxation which prevailed in Virginia, all rates and public charges were to be levied "according to every man's estate, and with consideration of all other his abilities, and not according to the number of his persons." A sea-fort was ordered to be built, to command the entrance into Boston harbor. The regulations respecting trespassing swine—the immediate cause of the late political change—were repealed, and this matter was left to the several towns. It proved, however, an embarrassing subject, and was often afterward before the court. The next year the practice of impounding stray animals was introduced, much the same as exists at present. The year after, a special officer, called a "hog-reave," was ordered to be elected in each town, to look after those animals; but frequent changes afterward in the law upon this subject showed how difficult it was to reconcile the conflicting

interests of the corn-growers and the pig-owners. A small matter, this, for history, but why smaller than other like conflicts of interest, of which so much of our politics consists? CHAPTER
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While the court was still sitting, six "great ships" arrived, "with store of passengers and cattle," followed within a month by fifteen more. John Humphrey, one of the original patentees of the colony, but who had hitherto remained at home, came out in one of these ships, with his wife, the Lady Susan, bringing with him a quantity of ordnance, muskets, and powder, a present from "godly people in England," who began now "to apprehend a special hand of God in raising this plantation." He brought, also, "propositions from some persons of great quality and estate, and of special note for piety," evincing an intention, if certain points were conceded, of joining the Massachusetts colonists.

To all friends, indeed, of civil and religious freedom, the state of things in England was exceedingly discouraging. Laud and the perfidious Wentworth, fit instruments of despotism, carried every thing their own way; and the king's proclaimed resolution to call no more Parliaments seemed to leave but little hope of redress. The Lords Say and Brooke, already mentioned, with Hampden, Pym, and others, who acted, a few years later, so conspicuous a part in English affairs, had obtained from the Earl of Warwick a conveyance of all that tract of New England, extending westward from Narraganset River a hundred and twenty miles along the coast, and thence to the Pacific. By what right Warwick made this conveyance does not distinctly appear. It was subsequently alleged by the people of Connecticut that he had a grant from the Council for New England, and a charter from the king; but no such documents are now 1631.
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CHAPTER in existence, and probably never were; at least, no such
IX. charter. Whatever the title of these lords and gentle-
1634. men might be, they entertained the project of removing
to America, and of uniting themselves with the Massa-
chusetts colony. But their ideas of government, as we
shall presently see, did not correspond with those preva-
lent in Massachusetts.

At the same time came other less agreeable news. Notwithstanding a detailed answer by the magistrates to the complaints of Morton and others, and exculpatory certificates from the old planters, sent home the year before, a new petition to the Privy Council, on the part of Morton and his associates, had led to very alarming proceedings. The Council for New England, summoned to answer to this petition, as being in some sort responsible for the general oversight of all the territories within their patent, not only disclaimed having any hand in the matters complained of, but added new and serious charges of their own. They accused the Massachusetts Company of having "surreptitiously obtained a grant of lands previously conveyed to others," whose tenants and representatives they had "thrust out;" for which lands, without the privity of the Council for New England, they had obtained a royal charter, "whereby they wholly excluded themselves from the public government of the council authorized for those affairs, and made themselves a free people, and so framed unto themselves both new laws and new conceits of matters of religion, and forms of ecclesiastical and temporal orders and government; punishing diverse that would not approve thereof, some by whipping, and others by burning their houses over their heads, and some by banishing, and all this partly under other pretenses, though, indeed, for no other cause save only to make themselves absolute masters of the

country, and unconscionable in their new laws." The Council for New England represented themselves as wholly unable to redress these grievances, and they humbly referred the whole matter to their lordships of the Privy Council, to take such steps "as might best sort with their wisdoms;" upon which reference their lordships saw "a necessity for his majesty to take the whole business into his own hands." 1634.

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A Commission, with Laud at its head, had been constituted, to which was given full power over the American plantations to revise the laws, to regulate the Church, and to revoke charters. The members of the Massachusetts Company resident in England had been called upon by this commission to deliver up their patent, and Cradock had written to have it sent over. It had even been proposed to stop the ships bound for Massachusetts—a measure only prevented by the urgency of the merchants who owned them. A letter from Morton to one of the old planters was communicated to the magistrates, in which he alleged that a governor general for New England was already commissioned.

This news produced the greatest alarm. The magistrates, with divers of the elders, met forthwith at Castle Island, at the entrance of the inner harbor of Boston, and agreed upon the erection of a fortification there, and to advance the means themselves until the meeting of the General Court. Dudley and Winthrop wrote private letters of intercession to England, while the governor and assistants, in a public letter to Cradock, excused themselves for not sending over the patent, as no steps could be taken in a matter so important before the meeting of the General Court.

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When that body came together, it took active measures for defense. Money was voted for the fort in Bos-

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 1634. armed; other forts were to be commenced at Dorchester
 and Charlestown; and power was given to impress labor-
 ers for the purpose. A cannoneer was appointed, and
 overseers of powder and shot; military watches were or-
 dered to be kept in all the towns; and Dudley, Winthrop,
 Haynes, Humphrey, and Endicott were appointed com-
 missioners "to consult, direct, and give command for the
 managing and ordering of any war that might befall for
 the space of a year next ensuing, and till further order."

1633. In the midst of these preparations, a dangerous dis-
 pute as to the extent of their respective powers broke out
 between the magistrates and the deputies. In the course
 of the previous year, Oldham, the Indian trader, with
 three companions, had traveled over land as far as the
 Dutch and Plymouth trading-houses on the Connecti-
 cut, and had brought back very flattering reports of that
 country. The people of Newtown, dissatisfied with their
 situation, had sent explorers thither, and they now asked
 permission of the court to remove and settle there. It
 was objected, however, that such a removal would be a
 violation of their oaths as freemen, by which they were
 bound to seek the welfare of the "commonwealth," still
 weak, and now in danger of being assailed. Perils from
 the Dutch and the Indians were also alleged, and the
 danger of settling without a patent beyond the limits of
 the Massachusetts charter. Nor were more mystical rea-
 sons wanting. "The removal of a candlestick is a great
 judgment, which ought to be avoided." These arguments
 decided a majority of the magistrates against granting
 permission; but a majority of the deputies, amounting
 to a majority of the whole court, were inclined the other
 way. Were the magistrates, under these circumstances,
 entitled to a negative? The dispute on this point grew

very warm, and the session was adjourned. When the court reassembled, Cotton preached a sermon in favor of the magistrates' negative; "and it pleased the Lord so to assist him, and to bless his own ordinance, that the affairs of the court went on cheerfully." The Newtown petitioners, upon promise of certain neighboring lands, were induced to forego their project of removal, and the necessity of deciding the disputed question of authority was thus for the time avoided.

Stoughton, one of the deputies, not content thus to let the matter rest, circulated a small treatise in manuscript, in which he argued against the magistrates' negative, and also maintained that the office of governor was merely ministerial; and for this offense he was presently summoned before the magistrates. Not finding the support he had expected from the deputies, he desired "that the said book might forthwith be burned as weak and offensive." Even this humble submission did not save him, for the court imposed, as an additional punishment, incapacity for three years to hold office.

In the case of Roger Williams had occurred a previous instance of like magisterial interference with freedom of opinion. That zealous young minister, after a two years' residence at Plymouth, had returned to Salem, where, though not in any office, he "exercised by way of prophecy" to the acceptance and edification of the Church. During his late residence at Plymouth, Williams had presented to the magistrates there a manuscript treatise, in which he had denied any validity in a royal patent, especially from such kings as the present one and his father, to give title to lands in America. Called upon by the magistrates of Massachusetts, who still regarded him with some suspicion, to produce a copy of this treatise, in which treason was thought to lurk,

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1634. Williams had written a submissive letter, in which he offered his book, or any part of it, to be burned. In the light of this letter, the offensive passages appeared "very obscure, and to admit of doubtful interpretation;" and the magistrates, after consultation with Cotton and Wilson, agreed to pass the matter over upon Williams's taking the oath of allegiance to the king. Scarcely, however, had he escaped from this difficulty, when his uncompromising zeal involved both himself and Endicott in another. Just before the late alarming news from England, Williams had persuaded Endicott, the military commander at Salem, to cut from his colors the red cross. Scruples on the subject of this cross in the colors were by no means confined to Endicott and Williams. It was commonly esteemed in Massachusetts "a relic of anti-Christ," a popish symbol savoring of superstition, and not to be countenanced by Christian men. But would not such a defacement, especially at this crisis, assume the appearance of an open renunciation of the king's authority?
1635. A complaint was presently lodged with the magistrates, who called in the elders to advise, not only as to the cross in the colors, but as to the general policy to be adopted in the present threatening aspect of affairs. It was agreed unanimously by the elders, that if a governor general were sent over, he ought not to be accepted; and that the colonists ought to defend "their lawful possessions," forcibly if they could, or if too weak for that, by "avoidance and delays." The question of the cross in the colors proved more difficult of solution, and was referred to the next General Court. That court also postponed it, and meanwhile the commissioners for military affairs ordered all the colors to be laid aside.
- Several new members having been added to that commission, it was now intrusted with entire control over the

military array of the colony, with authority to make war CHAPTER IX. either offensive or defensive, and to imprison, or, in case of resistance, to put to death "any that they shall judge to be enemies of the Commonwealth." This dictatorial power, wisely limited till the next court, was renewed at several successive sessions. The governor was to have a guard of six men with halberds and swords. A beacon, to be fired in case of alarm, was ordered to be set up on Sentry Hill, in Boston. An oath of fidelity to the Commonwealth was imposed upon all resident non-freemen, and trade with any ships was prohibited without leave of the magistrates. The charge of dieting the assistants and deputies during the general courts was ordered to be paid out of the public treasury. Fines were imposed for absence from public worship. Grand juries were ordered to be appointed twice a year, to give information of all breaches of orders. 1635.

This court was no sooner over than Williams found himself a fourth time in trouble. He denied the lawfulness of the oath imposed on the non-freemen, on the ground, it would seem, of the sinfulness of joining with the unregenerate in any religious act. He also questioned the law compelling attendance on public worship. Amid all his whimsies, the vigorous intellect of Williams had seized the great idea of what he called "soul-liberty," the inviolable freedom of opinion, that is, on the subject of religion—an idea at that time wholly novel, but which, by its gradual reception, has wrought, in the course of two centuries, such remarkable changes in Christendom. So alarming a heresy was not suffered to go long unrebuked. Being sent for by the magistrates, Williams was April 30 "heard before all the ministers, and very clearly confuted." Endicott was at first inclined to support him, but finally "gave place to the truth."

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At the Court of Elections, a few days after, the free-
men followed up the doctrine of rotation in office by
1635. choosing Haynes as governor, a choice agreed upon by
May 6. deputies from the towns, who came together for that pur-
pose previously to the meeting of the court—the first in-
stance of the “caucus system” on record. Ludlow, the
late deputy, who seems to have expected the office of gov-
ernor, was so indignant at this proceeding, that he called
in question the validity of the election; to which the free-
men replied by leaving him out of the magistracy. Rich-
ard Bellingham, who had arrived during the preceding
year, was chosen in Ludlow’s place as deputy governor.

A joint committee of four magistrates and one delegate
from each town, chosen by the assembled freemen, to
which Endicott’s conduct in the case of the mutilated
colors was referred, reported “that he had offended many
ways; in rashness, uncharitableness, indiscretion, and
exceeding the limits of his authority;” whereupon the
court sentenced him “to be sadly admonished,” and de-
clared him incapable of office for a year. But this sen-
tence related more to form than to substance. The
scruples about the cross in the colors still remained. It
was proposed to substitute the white and red rose in-
stead; but final action was delayed to wait the opinion
of certain of “the most wise and godly in England,” to
whom the ministers proposed to write. Meanwhile, the
colors remained disused.

Leave was given at this court to the people of Rox-
bury and Watertown to remove where they pleased, pro-
vided they continued under the jurisdiction. They al-
leged the want of pasturage for their cattle as their rea-
son for removal. A bark having arrived from England
with twenty servants, sent by Sir Richard Saltonstall,
to plant on the Connecticut, the project of removing thith-

er was revived. The mouth of the Merrimac was also occupied, and a town established there called *Newbury*, of which Richard Dummer was a principal founder. Some of the new comers of the last year had removed to Agawam, which they called *Ipswich*, and a church had been gathered there, of which Nathaniel Ward was chosen teacher. The famous Norton, afterward minister of Boston, who arrived in New England toward the close of the present year, was soon after settled at Ipswich as Ward's colleague. Another body of new comers established themselves, and gathered a church at Wissagusset, to which they gave the name of *Weymouth*. Near by, at *Hingham*, was another new plantation. A settlement was also begun at *Marblehead*. It was no easy matter for the now numerous emigrants to find convenient situations. Unwooded meadows, affording hay and pasturage for cattle, were chiefly sought for. As the best points on the coast were already taken up, some of the new comers ventured inland, and *Dedham* and *Concord*, the first interior towns, began now to be settled. An important law, enacted the next year, prohibited the erection of dwelling-houses in any new town, at a greater distance than half a mile from the meeting-house. Lands were seldom granted to individuals, but only to companies associated together for settling a plantation. The New England settlements were thus made villages, differing, in that respect, from those of Virginia, whence resulted a concentrated population and a co-operative energy, not without important social results. As these regulations had chiefly in view the religious organization of the settlers, care was taken to strengthen the theocracy by forbidding any but church members to vote in town affairs.

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The Council for New England, before making a for-

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nia, extending from the Kennebec to the Piscataqua. Mason retained his province of New Hampshire. The district west of Narraganset Bay was assigned to the Marquis of Hamilton. It is not necessary to enumerate the other provinces, as no claim to them was ever set up under this division. It was arranged that Gorges should go to New England as governor general, supported by a force of a hundred and twenty men, ten to be contributed for each province. The vessel he was to go in broke in launching; and this accident, which prevented his departure, was regarded in Massachusetts as a special Providence. Yet the news from England still continued alarming. Mason, who claimed by prior grant a part of the Massachusetts territory, had caused a process of *Quo Warranto* to be commenced against the charter. Winslow had gone to England on behalf of the colony of Plymouth, to solicit a commission to withstand the intrusions of the French and Dutch—a proceeding esteemed in Massachusetts "ill-advised, and dangerous to the liberty of the colonies, tending to establish the precedent of doing nothing but by commission out of England." Nor was it attended with any success; for Winslow was seized in the midst of his negotiations on complaint of

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1635. punish breaches of the first table"—that is, ought not to enforce religious opinions and observances by law—had been adjudged "erroneous and very dangerous," and the calling him to office at Salem "a great contempt of authority." As a further token of displeasure, the petition of Salem for the grant of a piece of land, claimed as appertaining to that town, was refused. Instead of quietly submitting to this refusal, Williams and the Salem church addressed a letter to the other churches, calling on them to exercise church discipline upon magistrates who had consented to such a piece of injustice. This letter the magistrates denounced as seditious; they denied any accountability in their political character to the particular churches to which they belonged; they claimed, rather, at least in conjunction with the deputies and the elders, a controlling power over each particular church.

Sept. When the General Court met, Endicott "made a protestation," justifying the offensive letter, for which he was committed. But he acknowledged his error the same day, and was discharged. The Salem deputies were refused seats in the court, and were sent home "to bring satisfaction for that letter," or else "the arguments and names" of those who would defend it. The church at Salem began to falter; but Williams, nothing daunted, declared his intention, if they would not separate from "the anti-Christian churches in the bay," to separate from them. This threat of schism filled up the measure of his offenses. At an adjourned session of the General Court he was again "convented"—all the ministers in the bay being present—and charged with the said two letters. He justified both, and maintained all his opinions. Being offered further conference, and a month to prepare for it, he chose to dispute on the spot. Hooker was appointed to dispute with him, but could not reduce

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him from any of his errors. So the next morning the court sentenced him to depart out of the jurisdiction within six weeks, all the ministers, save one, approving the sentence. Who the dissentient was does not appear. As winter was so close at hand, the banished Williams obtained leave to remain till spring. Being called in question by his own frightened church, he renounced their communion, and held a separate assembly of a few faithful adherents at his own house. He even refused to allow his wife to join him in any acts of worship because she adhered to the Salem church.

Pending these proceedings, three commissioners arrived at Boston on behalf of the lords proprietors of Connecticut. They were John Winthrop the younger, on his return from a visit to England; his father-in-law, Hugh Peters, lately minister of an English refugee congregation at the Hague; and Henry Vane, a young man of twenty-three, son of one of the king's principal ministers, but himself an ardent and enthusiastic Puritan. These commissioners brought instructions to take possession of the mouth of Connecticut River, and to fortify it; for which purpose they were furnished with the necessary means. Already, before their arrival, an extensive scheme of emigration had been matured in Massachusetts. Haynes, the governor, Hooker and Stone, ministers of Newtown, and Warham, minister of Dorchester, with almost the entire churches of those two towns, had resolved to transfer themselves, with their town and church organizations, to the banks of the Connecticut. It was agreed with the commissioners that, in case the lords proprietors of Connecticut should remove to New England, room should be found for them on the river; the Massachusetts emigrants to sell out, and, if necessary, to seek some other place.

Several families from Newtown, with others from Dor-

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chester, the van of this emigration, led by the disappointed Ludlow, and driving their cattle before them, threaded the pathless forests, guided by the compass, and, after an arduous journey of fourteen days, reached the Connecticut at the Plymouth trading house. The commissioners sent a party by water from Boston, and Fort *Saybrook* was commenced at the river's mouth, thus anticipating the Dutch of Manhattan, who were just about taking possession of it, as a support to their fort of Good Hope, up the river, situate just below the Plymouth trading house. The party at *Saybrook* was soon joined by Gardiner, an engineer sent from England by the lords proprietors, with a small vessel and a supply of provisions.

The winter set in early, and with great severity; the river was soon frozen, and the Massachusetts emigrants were thus disappointed in the expected arrival of a vessel from Boston with provisions and supplies. Some, with no small difficulty and hazard, retraced their steps through the snowy woods; others descended on the ice to Fort *Saybrook*, and returned to Boston by water. The few who remained through the winter hardly kept themselves alive. Most of the cattle perished; and this heavy loss seemed to the elder Winthrop and other opposers of the emigration something very like a judgment.

During the winter a rumor began to spread that the banished Williams intended to establish a new settlement out of the limits of the Massachusetts patent. Should this project be carried out, the magistrates feared "the infection would easily spread," many persons being very much carried away "with apprehension of his godliness." To prevent such an untoward result, it was resolved to arrest Williams and to send him prisoner to England. A warrant was issued, and Captain Under-

hill was dispatched with fourteen men to execute it; but Williams had warning, and was gone. In the midst of that severe winter he wandered for fourteen weeks in the woods without a guide, with no settled lodging, and with scanty food. He found refuge at last, and hospitality, from Massasoit, head chief of the Wampanoags, whom he had known while at Plymouth; and presently, under a grant from that chief, he commenced a little plantation at Seekonk, on the east side of Pawtucket or Narraganset River, just within the limits of the Plymouth patent. He still had friends in that colony; Bradford esteemed him a man "godly and zealous, having many precious parts, though very unsettled in judgments;" but the influence of Massachusetts was felt there; and Winslow, who, since his return from England, had been elected Governor of Plymouth, sent to Williams, claiming Seekonk, and suggesting his removal beyond that jurisdiction. Thus advised, he crossed the Pawtucket, and, with five companions, established an independent community at the head of Narraganset Bay, beyond the territory either of Massachusetts or Plymouth, in the midst of powerful Indian tribes, and with little hope of sympathy or succor on the part of either of those colonies. A grant of the land was obtained from Canonicus, head sachem of the Narragansets; and Williams named the settlement PROVIDENCE, in commemoration of "God's merciful providence to him in his distress."

Williams, however, was not the first settler within the present limits of the State of Rhode Island. Blackstone, the "old planter," the first white inhabitant of the peninsula of Boston, had removed, a year or two before, to the same Pawtucket River, but higher up, where the stream still bears his name. He had received from

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1636. the town of Boston, under the established regulation on that subject, his grant of fifty acres. Like Maverick and some other of the old planters, though no church member, he had been admitted a freeman of the company; but he sold his land, bought cattle, and removed. He left England because he could not endure the lords bishops, and he liked the "lords brethren" just as little. Such was his account of the matter; yet he had no sympathy with Williams, and continued to acknowledge the jurisdiction of Massachusetts.

Not discouraged by the hardships of the past winter nor the prognostications of opposers, the emigration to Connecticut was still persevered in. Early in the spring, March. Hooker and Stone, with the principal part of their congregation, having sold out their improvements at Newtown to a company just arrived from England, traveled through the woods on Ludlow's track, driving their cattle before them. They founded the town of *Hartford*. The Dorchester people, who were presently joined by Warham, their surviving minister, settled a little above, at *Windsor*. The men of Plymouth, chagrined at seeing possession thus taken of a territory which they had been the first to occupy—an enterprise in which Massachusetts had declined to unite—demanded of the emigrants compensation for their trading house and the lands about it, which they had bought of the Indians; and ultimately they received a partial indemnification. A party of emigrants from Watertown fixed themselves at *Wethersfield*, just below Hartford. A fourth emigrant party from Roxbury, led by Pynchon, established themselves some twenty miles higher up the river, at *Springfield*. The emigrants took with them a commission of government, the joint act of the Massachusetts General Court and of the commissioners representing the lords

proprietors of Connecticut. The places which they vacated were filled up at once by new comers, and new churches were organized at Newtown and Dorchester, the one under "the holy, heavenly, sweet, affecting, and soul-ravishing" Shepard, the other under Mather, a name which his son and grandson made distinguished.

About the time of this migration the government of Massachusetts was brought nearly into the shape in which it remained for the next fifty years. The regular sessions of the General Court were reduced to two in a year; one to follow the Court of Elections, the other in the autumn. The deputies were limited to two for the larger towns, and one for the smaller, chosen by ballot, at first, for each separate court, but afterward for a year. They were not required to be residents of the towns for which they sat, though usually they were so, but might be chosen from the colony at large. The governor and assistants, who had all along acted as a court of justice, were required to hold four great quarter courts yearly, at Boston, for the trial of more considerable cases. Smaller cases were to be disposed of by inferior courts, composed of five judges, of whom one at least was to be an assistant, the others to be selected by the General Court from a nomination made by the several towns; but only the assistants were to have authority to issue process. These inferior courts were to be held quarterly at Ipswich, Salem, Newtown, and Boston—the rudiments of a division into counties. An appeal lay from their decision to the quarter courts, and thence to the General Court.

As a step toward meeting the views of those "persons of quality" desirous, on account of the disastrous state of political affairs in England, to remove to America, it was resolved to establish a standing council for life, of which the governor for the time being was to be

CHAPTER IX. president. To the propositions heretofore mentioned,
 brought out by Humphrey, a detailed answer was now

1636. returned. It had been suggested in those propositions that the Commonwealth should consist of two ranks: "hereditary gentlemen," to sit in their own right as an upper house of legislation, and "freeholders," to be represented by their deputies in a lower house. To this close imitation of the English Constitution there was no objection, so far as related to the two ranks, at least on the part of the magistrates and elders, who readily acknowledged the propriety of such a distinction "from the light of nature and Scripture." But the plan of hereditary legislators, and the proposal to admit all freeholders to the rights of citizenship, were irreconcilable with that theocratic scheme to which the Massachusetts leaders were so zealously attached. In a letter which Cotton wrote on this occasion to Lord Say, democracy is denounced as "not a fit government either for church or state." "If the people are governors, who shall be governed?" He admits that monarchy and aristocracy are "approved and directed in Scripture," "but only as a theocracy is set up in both." It was hoped to satisfy the aristocratic predilections of the proposed immigrants by establishing a magistracy for life; but for the church members to abandon the theocratic principle, and to yield their monopoly of power by admitting all freeholders to the rights of freemen, was not to be thought of. The existing system was even strengthened by an enactment that no new church should be gathered without the express sanction of the magistrates and elders.

May 25. At the ensuing Court of Elections, Winthrop and Dudley were chosen members of the newly-established Standing Council for Life; and to that council were presently transferred the extensive powers of the military commis-

sion. In the choice of governor, the rotation principle was still followed up by electing the youthful Henry Vane; and, "because he was son and heir to a privy counselor in England," the ships in the harbor, fifteen in number, lately arrived with passengers and goods, congratulated his election by a volley of great guns. But the new governor soon found himself in trouble with these same complimentary shipmasters. They readily assented, indeed, to a regulation for anchoring below the new fort, and not coming up to the town without the governor's pass; but the neglect of the fort to display the king's colors, laid aside, as we have seen, by order of the military commissioners, on account of scruples about the red cross, excited the ire of the English sailors, who did not hesitate to accuse the colonists of treason and rebellion. A mate of one of the ships, who had spoken freely upon this subject, was arrested and compelled to sign a retraction; but the shipmasters, intimating that they might be questioned on their return to England, requested the magistrates to remove all grounds of suspicion by ordering the king's colors to be spread at the fort. Here was a dilemma. All the magistrates were fully persuaded that the cross was idolatrous. In this emergency Vane practiced a little dissimulation, of which, indeed, during his term of office, he exhibited, according to Winthrop, more than one instance. He pretended that he had no colors. But the shipmasters very promptly offered to lend. Driven thus into a corner, after consultation with the elders, Vane, Dudley, and a majority of the magistrates so far compromised matters with their consciences as to accept the proffered flag. Since the fort was the king's—a proposition which, on some other occasions, they might not have been so ready to admit—the king's colors, they thought, might be spread there, at the king's

CHAPTER IX. own personal peril—an ingenious piece of casuistry, from which, however, Winthrop and others dissented.

1636. The alarm of interference from England had partially subsided; but the colony, under Vane's administration, became involved in new troubles—a violent internal controversy, and a dangerous Indian war. The most powerful native tribes of New England were concentrated in the neighborhood of Narraganset Bay. We have already had occasion to mention the Wampanoags or Pocanokets, on the east side of that bay, within the limits of the Plymouth patent; also the Narragansets, a more powerful confederacy, on the west side. Still more numerous and more powerful were the Pequods, whose chief seats were on or near Pequod River, now the Thames, but whose authority extended over twenty-six petty tribes, along both shores of the Sound to Connecticut River, and even beyond it, almost or quite to the Hudson. In what is now the northeast corner of the State of Connecticut dwelt a smaller tribe, the enemies, perhaps the revolted subjects of the Pequods, known to the colonists as Mohegans—an appropriation of a general name properly including all the Indians along the shores of Long Island Sound as far west as the Hudson, and even the tribes beyond that river, known afterward to the English as the Delawares. The Indians about Massachusetts Bay, supposed to have been formerly quite numerous, had almost died out before the arrival of the colonists, and the small-pox had since proved very fatal among the few that remained. Some tribes of no great consideration—the Nipmucks, the Wachusetts, the Nashaways—dwelt among the interior hills, and others, known collectively to the colonists as the River Indians, fished at the falls of the Connecticut, and cultivated little patches of its rich alluvial meadows. The lower Merrimac, the

Piscataqua, and their branches, were occupied by the tribes of a considerable confederacy, that of Penacook or Pawtucket, whose chief sachem, Passaconaway, was reported to be a great magician. The interior of New Hampshire, and of what is now Vermont, seems to have been an uninhabited wilderness. The tribes eastward of the Piscataqua, known to the English by the general name of Tarenteens, and reputed to be numerous and powerful, were distinguished by the rivers on which they dwelt. They seem to have constituted two principal confederacies, those east of the Kennebec being known to the French of Acadie as the Abenakis. All the New England Indians spoke substantially the same language, the Algonquin, in various dialects. From the nature of the country, they were more stationary than some other tribes, being fixed principally at the falls of the rivers. They seem to have entertained very decided ideas of the hereditary descent of authority, and of personal devotion to their chiefs. What might have been at this time the total Indian population of New England, it is not very easy to conjecture; but it was certainly much less than is commonly stated. Fifteen or twenty thousand would seem to be a sufficient allowance for the region south of the Piscataqua, and as many more, perhaps, for the more easterly district. The Pequods, esteemed the most powerful tribe in New England, were totally ruined, as we shall presently see, by the destruction or capture of hardly more than a thousand persons.

The provocation for this exterminating war was extremely small. Previous to the Massachusetts migration to the Connecticut, one Captain Stone, the drunken and dissolute master of a small trading vessel from Virginia, whom the Plymouth people charged with having been engaged at Manhattan in a piratical plot to seize

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1634. one of their vessels, having been sent away from Boston with orders not to return without leave, under pain of death, on his way homeward to Virginia had entered the Connecticut River, where he was cut off, with his whole company, seven in number, by a band of Pequods. There were various stories, none of them authentic, as to the precise manner of his death, but the Pequods insisted that he had been the aggressor—a thing in itself sufficiently probable. As Stone belonged to Virginia, the magistrates of Massachusetts wrote to Governor Harvey to move him to stir in the matter. Van Cuyler, the Dutch commissary at Fort Good Hope, in fact revenged Stone's death by the execution of a sachem and several others. This offended the Pequods, who renounced any further traffic with the Dutch, and sent messengers to Boston desiring an intercourse of trade, and assistance to settle their pending difficulties with the Narragansets, who intervened between them and the English settlements. They even promised to give up—at least so the magistrates understood them—the only two survivors, as they alleged, of those concerned in the death of Stone. These offers were accepted; for the convenience of this traffic, a peace was negotiated between the Pequods and the Narragansets, and a vessel was presently sent to open a trade. But this traffic disappointed the adventurers; nor were the promised culprits given up. The Pequods, according to the Indian custom, tendered, instead, a present of furs and wampum. But this was refused, the colonists seeming to think themselves under a religious obligation to avenge blood with blood.

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1636. Thus matters remained for a year or two, when the crew of a small bark, returning from Connecticut, saw close to Block Island a pinnace at anchor, and full of Indians. This pinnace was recognized as belonging to Old-

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ham, the Indian trader, the old settler at Nantasket, and explorer of the Connecticut. Conjecturing that something must be wrong, the bark approached the pinnace and hailed, whereupon the Indians on board slipped the cable and made sail. The bark gave chase, and soon overtook the pinnace; some of the Indians jumped overboard in their fright, and were drowned; several were killed, and one was made prisoner. The dead body of Oldham was found on board, covered with an old seine. This murder, as appeared from the testimony of the prisoner, who was presently sentenced by the Massachusetts magistrates to be a slave for life, was committed at the instigation of some Narraganset chiefs, upon whom Block Island was dependent, in revenge for the trade which Oldham had commenced under the late treaty with the Pequods, their enemies. Indeed, all the Narraganset chiefs, except the head sachem, Canonicus, and his nephew and colleague, Miantonimoh, were believed to have had a hand in this matter, especially the chieftain of the Niantics, a branch of the Narragansets, inhabiting the continent opposite Block Island.

Canonicus, in great alarm, sent to his friend and neighbor, Roger Williams, by whose aid he wrote a letter to the Massachusetts magistrates, expressing his grief at what had happened, and stating that Miantonimoh had sailed already with seventeen canoes and two hundred warriors to punish the Block Islanders. With this letter were sent two Indians, late sailors on board Oldham's pinnace, and presently after two English boys, the remainder of his crew. In the recapture of Oldham's pinnace eleven Indians had been killed, several of them chiefs; and that, with the restoration of the crew, seems to have been esteemed by Canonicus a sufficient atonement for Oldham's death. But the magistrates and min-

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1636. isters of Massachusetts, assembled to take this matter into consideration, thought otherwise. Volunteers were called for; and four companies, ninety men in all, commanded by Endicott, whose submissiveness in Williams's affair had restored him to favor, were embarked in three pinnaces, with orders to put to death all the men of Block Island, and to make the women and children prisoners. The old affair of the death of Stone was now also called to mind, though the murder of Oldham had no connection with it, except in some distant similarity of circumstances. Endicott was instructed, on his return from Block Island, to go to the Pequods, and to demand of them the murderers of Stone, and a thousand fathoms of wampum for damages—equivalent to from three to five thousand dollars—also, some of their children as hostages; and, if they refused, to employ force.

The Block Islanders fled inland, hid themselves, and escaped; but Endicott burned their wigwams, staved their canoes, and destroyed their standing corn. He then sailed to Fort Saybrook, at the mouth of the Connecticut, and marched thence to Pequod River. After some parley, the Indians refused his demands, when he burned their village, and killed one of their warriors. Marching back to Connecticut River, he inflicted like vengeance on the Pequod village there, whence he returned to Boston, after a three weeks' absence, and without the loss of a man.

The Pequods, enraged at what they esteemed a treacherous and unprovoked attack, lurked about Fort Saybrook, killed or took several persons, and did considerable mischief. They sent, also, to the Narragansets to engage their alliance against the colonists, whom they represented as the common enemy of all the Indians. Williams, informed of this negotiation, sent word of it to the Massachusetts magistrates, and, at their request, he

visited Canonicus, to dissuade him from joining the Pequods. This mission was not without danger. In the wigwam of Canonicus, Williams encountered the Pequod messengers, full of rage and fury. He succeeded, however, in his object, and Miantonimoh was induced to visit Boston, where, being received with much ceremony by the governor and magistrates, he agreed to act with them as a faithful ally. Canonicus thought it would be necessary to attack the Pequods with a very large force; but he recommended, as a thing likely to be agreeable to all the Indians—so Williams informs us—that the women and children should be spared, a humane piece of advice which received in the end but little attention.

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The policy of this war, or, at least, the wisdom of Endicott's conduct, was not universally conceded. A letter from Plymouth reproached the Massachusetts magistrates with the dangers likely to arise from so inefficient an attack upon the Pequods. Gardiner, the commandant at Fort Saybrook, who lost several men during the winter, was equally dissatisfied. The new settlers up the Connecticut complained bitterly of the dangers to which they were exposed. Sequeen, the same Indian chief at whose invitation the Plymouth people had first established a trading house on Connecticut River, had granted land to the planters at Wethersfield on condition that he might settle near them, and be protected; but when he came and built his wigwam, they had driven him away. He took this opportunity for revenge by calling in the Pequods, who attacked the town, and killed nine of the inhabitants. The whole number killed by the Pequods during the winter was about thirty.

A special session of the General Court of Massachusetts organized the militia into three regiments; the magistrates to appoint the field officers, called sergeant ma-

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The pending Indian hostilities were not, however, the sole subject of interest, the attention of this court being still more seriously occupied by some new religious dissensions lately broken out. It was very difficult to reconcile the doctrine of the special personal enlightenment of each believer with that strict unity of faith and discipline esteemed in Massachusetts no less essential than at Rome. Already had several of the churches been sorely rent by local controversies—accidents to which they were ever exceedingly liable, and which it cost the magistrates and ministers much pains to compose. A still more serious schism now threatened to divide the whole colony into two bitter and hostile religious factions.

In power, their career of opposition and reform finished, heads and fathers of a church and state of their own, the founders of the Massachusetts polity had lost that position which gave its chief glory to the Puritan name. The established authorities of the new theocracy, assuming the power and actuated by the spirit of the English bishops and the hated Court of High Commission, themselves pursued, without mercy or remorse, as heretics and schismatics, the very persons by whom their own late position was occupied; for, however satisfied the New England fathers might have been with the system they had established, the spirit of opposition to forms and authority was by no means extinct. The new comers, now so numerous, brought with them from England new notions, to which the fermentation of opinion in that country was every day giving rise. Among these new comers was Mrs. Anne Hutchinson, a woman of talent, ready

eloquence, and great self-reliance; an acute disputant, but, like most of the leading colonists, very much under the influence of religious enthusiasm, not unmixed, as often happens, with a little vanity and a great love of power. Though occupied with the cares of a numerous family, she presently assumed to hold meetings in Boston, at which, under pretense of repeating sermons, she soon began to criticise them, assuming to instruct the sisters of the Church in the most recondite doctrines of theology. She maintained with energy that leading tenet of the Reformation, justification by faith alone—an involuntary faith, as, indeed, all faith must be, God's free grace to the elect. It was this faith, she alleged, not the vain repetition of acts of devotion, nor the vainer performance of acts of morality, that made the religious man—a doctrine, indeed, which the fathers of Massachusetts were very forward to admit. But if so, what was the value, what the necessity or use, of that formal and protracted worship, that system of life so ascetic and austere, to which those fathers ascribed so much importance? This question, rather covertly insinuated than openly asked, was the basis of what was denounced in New England as Antinomianism—a heresy revived in our own day under another form—the more detestable, because it was so very difficult to meet. In the mouth of Luther that same question had availed to overthrow the ancient and gorgeous fabric of papal superstition and Roman ceremonial; how, then, could the new, frail, ill-compacted system of New England Congregationalism expect to stand against it?

This doctrine struck, in fact, a most deadly blow at the self-esteem and the influence of the present leaders. Their "sanctification," Mrs. Hutchinson alleged, on which they so much prided themselves, their sanctimonious car-

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Mrs. Hutchinson had a friend in Vane, the young governor, a man of kindred spirit, who delighted in enthusiastic subtleties. She was also supported by Wheelwright, her brother-in-law, a minister lately arrived, and much in favor with the Boston Church. Even the influential Cotton, in whose house Vane lodged, seemed to lean to her opinions, while she carried with her a decided majority of the Boston Church. But in Winthrop and Wilson, and in most of the other magistrates and ministers, she found stern and active opponents, very cautious, indeed, how they impugned the doctrines of faith and free grace, but zealous in upholding the value, indeed, the absolute necessity of that system of worship and austere self-denial which they had come so far, and had labored so hard to establish, and which they commended and Mrs. Hutchinson derided, under the name of "good works."

Discussions had already occurred on this subject, in which the governor, two assistants, and two ministers had been found on the side of Mrs. Hutchinson, who presently distinguished the ministers and church mem-

bers, a few of them, as "under a covenant of grace," and the rest, including most of the old leaders, as "under a covenant of works." This invidious distinction was maintained, at least to a certain extent, in a sermon preached by Wheelwright at a special fast ordered by the General Court on account of the Indian war and the religious differences—a sermon which gave such offense that Wheelwright was presently summoned before the magistrates on a charge of sedition. The whole colony was torn with the controversy, and the members of the Boston Church, "frequenting the lectures of other ministers, did make much disturbance by public questions and objections to their doctrines."

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At an adjourned session of the General Court, notwithstanding several petitions in his favor, one, especially, signed by many principal inhabitants of Boston, Wheelwright was found guilty of sedition, and also of contempt, "for that the court had appointed the fast as a means of reconciliation of differences, and he purposely set himself to kindle them." A protest was offered by the governor and others, but the court refused to receive it. It was also resolved that the Court of Elections and the next General Court should be holden, not at Boston, but at Newtown, out of the immediate sphere of Mrs. Hutchinson's influence. Till then, the sentence of Wheelwright was postponed.

March.

It had been ordered, in consequence, probably, of the Indian war, that all freemen should come armed to the election, and thus a body of armed men was assembled at Newtown, inflamed by enthusiasm, and excited to the highest pitch by theological differences. Wilson, who was short of stature, mounted on a tree, and from that elevation harangued the assembly. There was great danger of a tumult that day; inflamed opponents more

CHAPTER IX. than once laid hands upon each other. The majority, however, was sufficiently decisive to prevent a resort to
1637. violence. Winthrop was elected governor, while Vane, Coddington, and Dummer, supporters of Mrs. Hutchinson, were left out of the magistracy. The danger of such scenes was prevented for the future by a law, presently passed, dispensing with the attendance of all the freemen at the Court of Elections, and allowing them to give their votes in their own towns for governor and assistants, and to send them, sealed up, by the hand of their deputies.

Vane and Coddington were immediately chosen deputies for Boston, that town having delayed its choice till after the general election. Some alleged informality was set up to prevent them from taking their seats; but they were immediately rechosen, and this time the court was not able to find "how they might reject them." The Hutchinsonians were beaten, but not yet subdued. The vergers who had walked before Vane to and from meeting on the Lord's day, threw down their halberds and refused to attend upon Winthrop, "so as the new governor was fain to use his own servants to carry two halberds before him, whereas the former governor had never less than four." In contempt of Winthrop's gracious invitation, Coddington and Vane refused to sit in meeting in the magistrates' seat, but went and sat with the deacons; and on the fast day presently appointed, instead of staying to hear themselves berated by Wilson, they went to Mount Wollaston, and kept the day with Wheelwright. Wheelwright's sentence was respited to the next court, while the theological questions raised by Mrs. Hutchinson were referred to a synod or conference of delegates from the churches, summoned to take them into consideration. Divers writings were now published about these differences—in manuscript, for as yet there was no print-

ing press in the colony—an “Apology” by the magistrates for their condemnation of Wheelwright, a “Tractate” by Wheelwright in defense of his sermon, and an “Answer” to that sermon by the other ministers. Seeing how matters were going, Cotton bent to circumstances, explained, distinguished, and prepared to yield.

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Resolved to prevent any accessions to their opponents from abroad, the triumphant party enacted a law, by which all new comers were required to obtain a permit from one of the magistrates before they could be allowed to settle in Massachusetts; nor was any inhabitant to let a house to a new comer, or entertain him above three weeks, without like permission. A great outcry being raised against this law, Winthrop put forth a manuscript treatise in its defense, to which Vane replied. Vane, however, presently retired from the colony, to act in England on a broader stage. His experience in America was not, perhaps, without its effect; in England he became a leader of the new party of the Independents, a zealous opponent not of the bishops only, but of that Presbyterian faction which, after the downfall of the Royalist party, sought to establish a religious despotism not unlike that which existed in Massachusetts.

Orthodoxy having thus triumphed, attention was directed toward the Pequod war. The new towns on the Connecticut had continued to suffer during the winter. The attack on Wethersfield has been mentioned already. Fort Saybrook was beleaguered; several colonists were killed, and two young girls were taken prisoners, but were presently redeemed and sent home by some Dutch traders. It had been resolved in Massachusetts to raise a hundred and sixty men for the war, and already Underhill had been sent, with twenty men, to re-enforce Fort Saybrook; but, during Vane's administration, these prep-

CHAPTER arations had been retarded—not from any misgivings as
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1637. to the justice of the war, but because the army “was too much under a covenant of works.” The expedition was now got ready, and, by “a solemn public invocation of the word of God,” a leader was designated by lot from among three of the magistrates set apart for that purpose. The lot fell on Stoughton, whose adherence to the orthodox party during the late dissensions had restored him to favor, and obtained for him, at the late election, one of the vacant magistrates’ seats. Wilson was also designated by lot as chaplain to the expedition. The people of Plymouth agreed to furnish forty-five men.

The decisive battle, however, had been already fought. The Connecticut towns, impatient of delay, having obtained the alliance of Uncas, sachem of the Mohegans, had marched, to the number of ninety men, almost their entire effective force, under the command of John Mason, bred a soldier in the Netherlands, whom Hooker, with prayers and religious ceremonies, solemnly invested with
May 10. the staff of command. After a night spent in prayer, this little army, joined by Uncas with sixty Indians, and accompanied by Stone, Hooker’s colleague, as chaplain, embarked at Hartford. They were not without great doubts as to their Indian allies, but were reassured at Fort Saybrook. While Stone was praying “for one pledge of love, that may confirm us of the fidelity of the Indians,” these allies came in with five Pequod scalps and a prisoner. Underhill joined with his twenty men, and the united forces proceeded by water to Narraganset
May 21. Bay, where they spent the Sunday in religious exercises. They were further strengthened by Miantonimoh and two hundred Narraganset warriors; but the English force seemed so inadequate that many of the Narragansets became discouraged and returned home.

The Pequods were principally collected a few miles east of Pequod River, now the Thames, in two forts or villages, fortified with trees and brushwood. After a fatiguing march of two days, Mason reached one of these strongholds, situated on a high hill, at no great distance from the sea-shore. He encamped a few hours to rest his men, but marched again before daybreak, and at early dawn approached the fort. The Pequods had seen the vessels pass along the sea-shore toward the bay of Narraganset, and, supposing the hostile forces afraid to attack them, they had spent the night in feasting and dancing, and Mason could hear their shoutings in his camp. Toward morning they sunk into a deep sleep, from which they were roused by the barking of their dogs, as the colonists, in two parties, approached the fort, one led by Mason, the other by Underhill, both of whom have left us narratives of the battle. The assailants poured in a fire of musketry, and, after a moment's hesitation, forced their way into the fort. Within were thickly clustered wigwams containing the families of the Indians, and what remained of their winter stores. The astonished Pequods seized their weapons and fought with desperation; but what could their clubs and arrows avail against the muskets and plate-armor of the colonists? Yet there was danger in the great superiority of their numbers, and Mason, crying out "we must burn them," thrust a fire-brand among the mats with which the wigwams were covered. Almost in a moment the fort was in a blaze. The colonists, "bereaved of pity and without compassion," so Underhill himself declares, kept up the fight within the fort, while their Indian allies, forming a circle around, struck down every Pequod who attempted to escape. No quarter was given, no mercy was shown; some hundreds, not warriors only, but old

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May 26.

CHAPTER IX. men, women, and children, perished by the weapons of the colonists, or in the flames of the burning fort. "Great and doleful," says Underhill, "was the bloody sight to the view of young soldiers, to see so many souls lie gasping on the ground, so thick you could hardly pass along." The fact that only seven prisoners were taken, while Mason boasts that only seven others escaped, evinces the unrelenting character of this massacre, which was accomplished with but trifling loss, only two of the colonists being killed, and sixteen or twenty wounded. Yet the victors were not without embarrassments. The morning was hot, there was no water to be had, and the men, exhausted by their long march the two days before, the weight of their armor, want of sleep, and the sharpness of the late action, must now encounter a new body of Pequods from the other village, who had taken the alarm, and were fast approaching. Mason, with a select party, kept this new enemy at bay, and thus gave time to the main body to push on for Pequod River, into which some vessels had just been seen to enter. When the Indians approached the hill where their fort had stood, at sight of their ruined habitations and slaughtered companions they burst out into a transport of rage, stamped on the ground, tore their hair, and, regardless of every thing save revenge, rushed furious in pursuit. But the dreaded fire-arms soon checked them, and Mason easily made good his retreat to Pequod harbor, now New London, where he found not only his own vessels, but Captain Patrick also, just arrived in a bark from Boston, with forty men. Mason sent the wounded and most of his forces by water, but, in consequence of Patrick's refusal to lend his ship, was obliged to march himself, with twenty men, followed by Patrick, to Fort Saybrook, where his victory was greeted by a salvo of cannon.

In about a fortnight Stoughton arrived at Saybrook with the main body of the Massachusetts forces. Mason, with forty Connecticut soldiers and a large body of Narragansets, joined also in pursuing the remnants of the enemy. The Pequods had abandoned their country, or concealed themselves in the swamps. One of these fortresses was attacked by night, and about a hundred Indians captured. The men, twenty-two in number, were put to death; thirty women and children were given to the Narraganset allies; some fifty others were sent to Boston, and distributed as slaves among the principal colonists. The flying Pequods were pursued as far as Quinapiack, now New Haven. A swamp in that neighborhood, where a large party had taken refuge, being surrounded and attacked, a parley was had, and life was offered to "all whose hands were not in English blood." About two hundred, old men, women, and children, reluctantly came out and gave themselves up. Daylight was exhausted in this surrender; and as night set in, the warriors who remained renewed their defiance. Toward morning, favored by a thick fog, they broke through and escaped. Many of the surviving Pequods put themselves under the protection of Canonicus and other Narraganset chiefs. Sassacus, the head sachem, fled to the Mohawks; but they were instigated by their allies, the Narragansets, to put him to death. His scalp was sent to Boston, and many heads and hands of Pequod warriors were also brought in by the neighboring tribes. The adult male prisoners who remained in the hands of the colonists were sent to the West Indies to be sold into slavery; the women and children experienced a similar fate at home. It was reckoned that between eight and nine hundred of the Pequods had been killed or taken. Such of the survivors as had escaped,

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1637. forbidden any longer to call themselves Pequods, were distributed between the Narragansets and Mohegans, and subjected to an annual tribute. A like tribute was imposed, also, on the inhabitants of Block Island. The colonists regarded their success as ample proof of Divine approbation, and justified all they had done to these "bloody heathen" by abundant quotations from the Old Testament. Having referred to "the wars of David," Underhill adds, "We had sufficient light from the word of God for our proceedings;" and Mason, after some exulting quotations from the Psalms, concludes: "Thus the Lord was pleased to smite our enemies in the hinder parts, and to give us their land for an inheritance!" The Indian allies admired the courage of the colonists, but they thought their method of war "too furious, and to slay too many."

Some occurrences shortly after are sufficient to show that, in their relations with the Indians, the colonists were not governed by mere passion and hatred, but by systematic principles of what they considered justice. Three out of four runaway servants, who had robbed and murdered an Indian near Providence, after consultation with the magistrates of Massachusetts, were tried at Plymouth, found guilty, and hanged. The fourth escaped to Piscataqua, and the people there refused to give him up; "it was their custom, some of them," says Winthrop, "to countenance all such lewd persons as fled from us." The case of Sequeen was still more remarkable. This was the chief who had instigated the attack on Wethersfield, in which nine of the inhabitants had been slain. But the elders and magistrates of Massachusetts, whose opinion was asked on the subject, decided that Sequeen, having been first injured, might, by the law of nations, right himself, either by force or

fraud ; “ and though the damage he had done had been a hundred times more than what he had sustained, that is not considerable in point of a just war ; neither was he bound, upon such an open act of hostility, to seek satisfaction first in a peaceable way ; it was enough that he had complained of it as an injury.” Upon the strength of this decision, the same doctrine, it would seem, in virtue of which the Pequod war had been undertaken, the people of Connecticut resolved to give over their quarrel with Sequeen, and to enter into a new arrangement with the Indians on the river.

The Pequods exterminated, it only remained to deal with the heretics, for which purpose a synod was assembled at Newtown, composed of all the elders in the country, including several who had just arrived, and of lay delegates, also, from all the churches, the members of it being entertained for eight weeks at the public expense. Before this synod was laid a list of eighty-two “ false and heretical opinions,” nine “ unwholesome expressions,” and divers “ perversions of Scripture.” The eighty-two opinions were condemned at once, some as blasphemous, others as erroneous, and all as unsafe ; and even Wheelwright joined in this condemnation. Some of the Boston delegates objected to the production before the synod of such a list of errors avowed by nobody, and exposing the colony to unnecessary reproach. Insisting upon this point too pertinaciously, they were silenced by threats of magisterial interference, and some of them left the assembly. The ground thus cleared, there remained only five points in dispute between Cotton and Wheelwright on the one hand, and the rest of the elders on the other. By mutual explanation, these five points were presently reduced to three, and those three were finally stated in terms so ambiguous that Cotton and the other elders ex-

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CHAPTER IX. pressed themselves mutually satisfied. But Wheelwright would not agree.

1637. Besides these matters of faith, some points of discipline were also determined. Women, it was agreed, might meet, some few together, to pray and edify one another; but "such a set assembly as was then in practice at Boston, where sixty or more did meet every week, and one woman in a prophetic way, by resolving questions of doctrine and expounding Scripture, took upon her the whole exercise," was pronounced disorderly and without rule. The female church members, though acknowledged as joint-heirs of salvation, had no share in the earthly power of the theocracy, not even the right of voting in mere church affairs. It was also resolved that, "although a private church member might ask a question publicly after sermon for information, yet this ought to be very wisely and sparingly done, and that with leave of the elders; but questions then in use, whereby the doctrines delivered were reprov'd, and the elders reproach'd, and that with bitterness, were utterly condemn'd."

This synod, however, proved no more successful than others before and since, in bringing about unity of opinion. Though "confounded and clearly confuted," Wheelwright and his party persisted in their errors, and "were as busy in nourishing contentions as before." Convinced "that two so opposite parties could not contain in the same body without apparent hazard of ruin to the whole," the General Court, at its session shortly after, resolved
 Nov. 2. upon decisive steps. Aspinwall, elected to this court as a deputy from Boston, was deprived of his seat, disfranchised, and banished, because he had drafted the Boston petition presented at the previous court in Wheelwright's favor—a very moderate and respectful document. His colleague, who justified the petition, though he had not

signed it, was also expelled. The men of Boston inclined to re-elect these expelled deputies; but Cotton, with much ado, dissuaded them. Two new deputies were chosen, but one of these was rejected because he too had signed the obnoxious petition; so the vacant seat remained unfilled. Wheelwright having refused to leave Boston, or to give up his public "exercisings," was disfranchised and banished. He appealed to the king, but was told that no such appeal lay, for, "by the king's grant," the General Court was empowered "to hear and determine, without any reservation."

Mrs. Hutchinson was also banished; but, because it was winter, she was placed in custody in a private house in Roxbury, none but her relations and the elders being permitted to see her. Captain Underhill, hero lately in the Pequod war, was next called to account. He boasted, some time after, of having received his "assurance" while enjoying a pipe of that "good creature" tobacco, "since which he had never doubted of his good estate, neither should, though he should fall into sin." Indeed, he was a little too fond of other good creatures to suit the austere taste of Massachusetts. As he persisted in justifying the petition, he was deprived of his office, and disfranchised, as were five or six others of the principal signers. All signers of that document, except about twenty who submitted and acknowledged their fault, and all others who had been active on Mrs. Hutchinson's side, were ordered to bring in and deliver up their arms; an order to which fifty-eight freemen of Boston, and others in Charlestown, Salem, Ipswich, and Newbury, reluctantly submitted. Finally, a law was passed subjecting to fine and imprisonment all who should defame the court and its proceedings; and, lest "godly friends in England" might be alarmed, and discouraged from removal,

CHAPTER an account of this whole transaction, "with reasons and
IX. observations," was drawn up, and sent home to be pub-
1637. lished.

Mrs. Hutchinson's husband, Coddington, John Clarke, educated a physician, and other principal persons of the Hutchinsonian party, were given to understand that, unless they removed of their own accord, proceedings would be taken to compel them to do so. They sent, therefore, to seek a place of settlement, and found one in Plymouth patent; but, as the magistrates of that colony declined to allow them an independent organization, they presently purchased of the Narragansets, by the recommendation
1638, of Williams, the beautiful and fertile Island of *Aquiday*.
March 24. The price was forty fathoms of white wampum; for the additional gratuity of ten coats and twenty hoes, the present inhabitants agreed to remove. The purchasers called it the Isle of Rhodes—a name presently changed by use to RHODE ISLAND. Nineteen persons, having signed a covenant "to incorporate themselves into a body politic," and to submit to "our Lord Jesus Christ" and to his "most perfect and absolute laws," began a settlement at its northern end, with Coddington as their judge or chief magistrate, and three elders to assist him. They were soon joined by others from Boston; but those who were "of the rigid separation, and savored Anabaptism," removed to Providence, which now began to be well peopled.

Having obtained, at the same time with the cession of Aquiday, a formal grant of Providence, by a special
Oct. 8. deed shortly after Williams admitted his associates and such others "as the major part shall receive into the same fellowship of vote," as joint owners. A covenant to submit "in civil things only" to the orders of "the major part," was at the same time agreed to.

Mrs. Hutchinson withstood all the strenuous efforts for her conversion made by the elders during her winter's imprisonment at Roxbury. She even fell into new errors, maintaining that men's souls, mortal by generation, are made immortal by Christ's purchase—a heresy afterward adopted by the celebrated Locke. She denied the resurrection of the body, and asserted that Sunday is but as other days. Had up before the Boston Church, in a session which lasted from eight in the morning to ten at night, she was "clearly confuted," and then solemnly admonished by Cotton, so lately her adherent, "with much zeal and detestation of her errors and pride of opinion." At a subsequent church meeting, after much time and many arguments "to bring her to see her sin," the church with one consent "cast her out." After she was excommunicated, her spirits, which seemed before somewhat dejected, revived again, and she gloried in her sufferings, declaring "it was the greatest happiness next to Christ that ever befell her."

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Having received orders from the governor to leave the jurisdiction, she sought refuge at Providence, but soon joined her husband and friends at Aquiday. On some hint that Mary Dyer, one of her chief disciples at Boston, had brought forth a monstrous birth, the magistrates of Massachusetts investigated the matter with eager curiosity and disgusting minuteness. A somewhat similar accident, the result, doubtless, of excitement and persecution, was presently said to have happened to Mrs. Hutchinson herself. These occurrences were eagerly seized upon as providential proofs of the monstrosity of her opinions, and are relied on as such in the "Rise, Reign, and Ruin of the Antinomians, Familists, and Libertines of New England," written by Welde, minister of Roxbury, in a very ferocious style, and published a

CHAPTER few years after in England. Even the terrible charge
 IX. of witchcraft was insinuated against Mrs. Hutchinson—
 1638. for how, unless by supernatural aid, could she inveigle
 so many into error?

Sept. 6. These vigorous proceedings against the dissidents were
 followed up by two laws, one subjecting to assessment
 and distress all who did not voluntarily contribute ac-
 cording to their ability to all town charges, "as well for
 upholding the ordinances in the churches as otherwise;"
 the other, exposing excommunicated persons to fine, im-
 prisonment, and banishment, at the pleasure of the mag-
 istrates, as "their contempt and obstinacy shall deserve."
 But this last law was soon repealed.

Dec. 13. As the final triumph of the orthodox party, Cotton, at
 a public fast, "did confess and bewail his own and the
 Church's security and credulity whereupon so many dan-
 gerous errors had gotten up." He showed how he came
 to be deceived, the errors being artfully formed so near the
 truth he had preached, that at first he did not perceive
 their enormity. By this seasonable concession "did that
 reverend and worthy minister of the Gospel recover his
 former splendor throughout the country of New England."

Immediately after his banishment, Wheelwright had
 purchased of the Indians a tract of land at the falls of
 the Squamscot, a southern branch of the Piscataqua;
 and there, with some of his adherents, he founded the town
 and church of *Exeter*, which remained for the next three
 years an independent community, with a frame of gov-
 ernment agreed on by the inhabitants. Wheelwright
 and his associates continued, however, to be so far recog-
 nized by the Boston Church as to receive a regular dis-
 mission. The neighboring settlements on the Piscata-
 qua, at Portsmouth and Dover, furnished an asylum to
 other of the refugees. The Lords Say and Brooke had

sold out their interest in the upper plantation to the residents there; and one Burdett, a discontented minister from Massachusetts, had got himself elected governor. He appears to have carried on a correspondence with Archbishop Laud, in which he gave no very favorable account of the civil and ecclesiastical affairs of New England. After a voyage to England, and a vain attempt to regain the favor of the Boston Church, in the course of which he was charged with "suspicion of incontinency," the banished Underhill retired to Dover, and, much to the disgust of the Massachusetts magistrates, presently got himself chosen governor in Burdett's place. Burdett was also, through Underhill's contrivance, superseded as minister by one Knolles, recently arrived in Massachusetts, but who, being suspected of "famistical opinions," had been "denied residence" there. The principal interest in the lower Piscataqua plantation, or Portsmouth, seems to have belonged to Mason; but he was now dead, and, in payment of their wages, his agents shared among them the goods and cattle, the lands and houses, and, like their neighbors of Dover and Exeter, organized an independent government of their own. *Hampton*, the fourth town in New Hampshire, inviting on account of its extensive salt meadows, was settled, under the jurisdiction of Massachusetts, by orthodox emigrants from that colony. In a controversy which presently arose between Wheelwright and the settlers at Hampton as to their mutual bounds, in answer to Wheelwright's allegation of a purchase from the Indians, the Massachusetts General Court set up the doctrine that the Indians "had only a natural right to as much land as they had or could improve"—a hard doctrine, indeed, for the Indians, if improvement meant cultivation, since the Indians improved their lands chiefly as hunting grounds.

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Plymouth colony profited also by the religious dissensions of Massachusetts. William Vassall, one of the early Massachusetts assistants, an emigrant with Winthrop and the charter, but less exclusive in his religious views, having returned from England, had established himself at *Scituate*, the second town in that colony. Settlements also had been more recently commenced at *Taunton*, *Sandwich*, and *Yarmouth*, and presently at *Barnstable*, in part, at least, by persons discontented with the strict regimen of Massachusetts.

An opposite reason led to the foundation of still another independent colony. In the height of the Hutchinson controversy, John Davenport, an eminent nonconformist minister from London, had arrived at Boston, and with him a wealthy company, led by two merchants, Theophilus Eaton and Edward Hopkins. Alarmed at the new opinions and religious agitations of which Massachusetts was the seat, notwithstanding very advantageous offers of settlement there, they preferred to establish a separate community of their own, to be forever free from the innovations of error and licentiousness. Eaton and others sent to explore the coast west of the Connecticut, selected a place for settlement near the head of a spacious bay at Quinapiack, or, as the Dutch called it, Red Hill, where they built a hut, and spent the winter. They were joined in the spring by the rest of their company, and Davenport preached his first sermon under the shade of a spreading oak. Presently they entered into what they called a "plantation covenant," and a communication being opened with the Indians, who were but few in that neighborhood, the lands of Quinapiack were purchased, except a small reservation on the east side of the bay, the Indians receiving a few presents and a promise of protection. A tract north

of the bay, ten miles in one direction and thirteen in the other, was purchased for ten coats; and the colonists proceeded to lay out in squares the ground-plan of a spacious city, to which they presently gave the name of NEW HAVEN. CHAPTER
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The towns on the Connecticut, awaiting an arrangement with the lords proprietors in England, had delayed coming to any permanent political settlement. They suspected that Massachusetts intended to subject them to her jurisdiction. This intention the Massachusetts magistrates denied; but they were eager for a federal union, for which negotiations had been for some time going on. As the jealousy of the Connecticut towns placed serious obstacles in the way even of such a union, Massachusetts insisted that at least Springfield, which fell within the limits of her charter, should submit to her jurisdiction. The other three towns, in a convention of all the freemen, adopted a written constitution, based on that of Massachusetts, but different in one important particular. As at Plymouth, residents of acceptable character might be admitted freemen, though not church members. The magistrates or assistants were to be chosen annually; but no magistrate was to be newly elected till he had first stood propounded or nominated for a year. The governor, required to be a church member, was to be chosen from among the magistrates, but could not be elected for two years in succession. Hopkins had concluded to settle at Hartford, and, alternately with Haynes, was chosen governor for many years. The governor and assistants acted as a court of law, and, with a House of Deputies chosen by the towns, composed a General Court, with the same jurisdiction as in Massachusetts, but the deputies were to sit by themselves as a separate body—an arrangement not yet 1639.
Jan. 14.

CHAPTER IX. adopted in the mother colony. Justice was to be administered "according to established laws," any deficiencies in which were to be supplied by "the rule of the word of God." Mason, appointed "military officer" on a salary of £40 a year, continued to hold that office during his life. Alarm at some hostile proceedings of the Dutch, and apprehensions of the Indians by whom they were surrounded, soon caused the treaty for a federal union with Massachusetts to be renewed. Fort Saybrook constituted a separate jurisdiction, under the English proprietors, one of whom, Fenwick, arrived there about this time, with his own family and some others.

After living for a year under their plantation covenant, the settlers at Quinapiack proceeded to a more definite organization. They agreed, in the first place, to limit the right to participate in the government to church members, and to adopt the Scriptures—esteemed a perfect rule for all duties—as the law of the land. The church was organized with great care. After prayers and a sermon, twelve persons were elected by the body of the colonists, with power, after trial of each other, to designate seven of their own number as the seven pillars—a scriptural and mystical number, as Davenport's preliminary sermon had proved. These seven were to admit such additional church members as they saw fit. The church being organized, and a body of freemen thus provided, Eaton was chosen governor, an office to which he was annually re-elected for twenty years. There was no trial by jury at New Haven, no warrant being found for it in the word of God. The regulations and judicial proceedings of this colony, deeply tinged by Puritan austerity, have been objects, under the derisive name of "blue laws," of some exaggeration and much ridicule.

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Massachusetts, however, was hardly behind New Ha- CHAPTER
 ven in zeal for the purity of the faith. An attempt to IX.
 establish at Weymouth a new church, on the latitudina- 1639.
 rian principle of admitting all baptized persons, without
 requiring either profession of faith or relation of expe-
 rience, was promptly suppressed. Lenthall, the propos-
 ed minister, was forced to make a very humble apology,
 and soon found it expedient to take refuge at Aquiday.
 Several laymen, active in the business, were heavily fined;
 one was whipped, and another disfranchised.

The General Court had already made some provision
 toward educating a succession of learned ministers, by 1638.
 establishing a school at Newtown, the name of which had
 been changed to Cambridge, in honor of the university
 where most of the Massachusetts ministers had received
 their education. Endowed by John Harvard, a minister
 who died shortly after his arrival, with his library and
 the gift of half his estate, amounting to £800, or \$3840,
 this school was now erected into a college, named after 1639.
 its benefactor, and placed under the superintendence of a
 board of overseers, composed of the magistrates and the
 ministers of the six neighboring churches. Henry Dun-
 ster, a distinguished Hebrew scholar, just arrived in the
 colony, was chosen the first president. Besides occa-
 sional annual grants, and contributions taken up for its
 benefit, the income of the ferry between Boston and
 Charlestown was bestowed on the college.

A printing press, said to have been the gift of some
 friends in Holland, was set up at Cambridge, under the
 charge of Stephen Day, the first north of Mexico. Its
 first literary production was a new metrical version of 1640.
 the Psalms, prepared by Eliot, Welde, and Mather, and
 revised by Dunster, which, though not very remarkable
 for tunefulness, long continued to be used in the worship
 of the New England churches.

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Winthrop's re-election as governor three times in succession since the defeat of Vane began to excite some jealousy. Such repeated re-elections "might make way for a governor for life;" which, indeed, had been "propounded" by some of the elders and magistrates, "as most agreeable to God's institution, and the practice of all well-ordered states." But in this opinion the free-men of Massachusetts did by no means concur. Connecticut, as we have just seen, had taken special pains, in its fundamental constitutions, to guard against any such result. A like jealousy also exhibited itself on the subject of the Standing Council for Life. Endicott had been added to that council as a third member; it never seems to have had any others. Though still allowed to retain the superintendence of military affairs, its members were forbidden to act as magistrates, unless specially chosen at the annual elections. The next year the rotation principle prevailed, and Dudley was chosen governor; but the colonists showed their regard for Winthrop by contributing upward of three thousand dollars toward the discharge of a heavy pecuniary liability, likely to become very embarrassing to him, in which he had been involved by the dishonesty of his agent in England.

While these various events were taking place in New England, the alarm of danger from home, though somewhat diminished, had by no means wholly subsided. To Mason's process of *Quo Warranto*, those members of the company resident in England, on whom it had been served, pleaded a disclaimer; but the death of Mason, already mentioned, prevented further proceedings with that suit. An order, however, was presently issued by the Lords Commissioners for Plantations, that no person of the rank of a "subsidy man," that is, rated to the taxes called subsidies, should embark for America without spe-

cial license ; and no person of any rank, without a certificate from his parish minister of conformity to the church. CHAPTER
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As this prohibition was little regarded, an order was issued the next year for stopping all ships bound to New 1638.

England. The entreaties of the ship-owners procured the recall of this order ; but the Lords Commissioners for Plantations dispatched directions to Massachusetts to send home the charter by the next ship. The General Court, by letter from the governor, respectfully declined, lest it might be construed by their friends in England as a surrender of that instrument, and lest "many bad minds, yea, and some weak ones" among themselves, should take occasion therefrom to think it lawful and necessary to accept a governor general. A fresh demand for the charter came out the next year, with assurances that a 1639.

new one would be granted, and that the commissioners had no intention to deprive the colonists of their liberties. This order came inclosed in a letter from Cradock ; and since the commissioners could have no proof of its delivery, the General Court resolved not to notice it at all. But by this time the English government was so deeply involved in the quarrel with Scotland, upon which country a vain attempt was made to force Episcopacy and the Liturgy, that the Puritan colonies of New England ceased to attract attention.

To the provinces confirmed to the indefatigable Gorges at the surrender of the great New England patent, 1635

he had given the name of NEW SOMERSET. Though disappointed, as already mentioned, in visiting his province as governor general of New England, he presently sent out his nephew, William Gorges, commissioned as his deputy for New Somerset, to establish a government over the fishing hamlets already planted at Agamenticus, Saco, and elsewhere on the coast. Gorges, who resided

CHAPTER IX. for some time in New Somerset, held a General Court at Saco. After his return to England, George Cleves

1637. brought out a commission, by which a number of the Massachusetts magistrates were authorized to act as deputies for New Somerset. But, since the attack on their charter, Gorges was suspected and distrusted. Some of the persons named in the commission had left Massachusetts on account of the Hutchinsonian controversy. No action, therefore, was had under it. This same Cleves was also engaged in a project for procuring settlers for Long Island, having entered into an agreement to that effect with the Earl of Stirling, to whom, in the late division of New England, that island had been assigned.

Not yet discouraged, though he had sunk upward of £20,000, \$96,000, during the thirty years for which he had been engaged in colonization projects, Gorges obtained a royal charter for his American provinces, of which the name was now changed to MAINE, perhaps in honor of the queen, who had some feudal relation with that French province—though “the main,” as distinguished from the numerous islands along that coast, had long been a current appellation with the planters and fishermen. Gorges drew up a scheme intrusting the government to a lieutenant, chancellor, marshal, admiral, and other high officers, who, together with eight deputies elected by the people, were to constitute the legislative council or General Court. The little village of Agamenticus, chartered first as a borough and then as a city, was named *Georgiana*, in honor of the proprietor, whose kinsman and deputy, Thomas Gorges, presently held at

1640. Saco the first General Court for the province of Maine. Burdett, superseded at Dover by Knolles, had removed to Agamenticus, and, being fined by this court for adultery, he proceeded to England to prosecute his appeal.

Meanwhile, in England, affairs, once set in motion, were making very rapid progress. The attempted pacification with the Scotch Covenanters proved a failure. The Scottish army entered England, and Charles soon found himself obliged to call that famous Long Parliament, the most remarkable body in English history. A large number of its members were Puritans; almost all were opposed to Charles's tyrannical policy. They entered at once on the redress of grievances, and, in the course of eighteen months, assumed the entire political authority of the realm. On a petition against the restraints on emigration, presented to the House of Lords soon after the meeting of this Parliament, it was resolved that the colonists should enjoy all their liberties, according to their patents. But the recent political change at home had removed the chief inducement to emigrate.

The accessions which New England henceforward received from abroad were more than counterbalanced by perpetual emigrations, which, in the course of two centuries, have scattered her sons over every part of North America, and, indeed, of the globe. The immigrants of the preceding period had not exceeded twenty-five thousand—a primitive stock, from which has been derived not less, perhaps, than a fourth part of the present population of the United States.

The cost of New England colonization thus far has been reckoned at a million of dollars—a great sum for those times; but probably short of the truth. Already there existed east of the Hudson twelve independent communities, comprising not less than fifty towns or distinct settlements. But a consolidation presently took place, by which the separate jurisdictions were reduced to six.

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NEW ENGLAND DURING THE LONG PARLIAMENT.

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SUCH coin as the emigrants to New England brought with them quickly went back again in payment for imported goods ; but, so long as the emigration was kept up, this inconvenience was little felt. Every new set of emigrants brought a fresh supply of money with them ; and the lively demand for corn and cattle, on the part of the new comers, raised prices to a high pitch. The sudden stop put to immigration, occasioned by the political changes in England, caused a great fall of prices, and a corresponding difficulty in paying debts. Taxes had all along been paid in grain and cattle, at rates fixed by the General Court ; and grain, at different prices for the different sorts, was now made a legal tender for the payment of

1640. all new debts. To prevent sacrifices of property in cases of inability to pay, corn, cattle, and other personal goods, or, in defect of such goods, the house and lands of the debtor, when taken in execution, were to be delivered to the creditor, in full satisfaction, at such value as they might be appraised at by "three understanding and indifferent men," one chosen by the creditor, another by the debtor, and a third by the marshal. So far as relates to lands and houses, the method of levy thus introduced prevails to this day—a marked peculiarity in the law of New-England.

Beaver skins were also paid and received as money, and, from their value as a remittance, they held the next

place to coin. Musket balls, at a farthing each, were at one time a legal tender to the amount of a shilling. CHAPTER
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A more available currency was found in the wampum or peage, already mentioned—cylindrical beads half an inch long, of two colors, white and bluish black, made by the Indians from parts of certain sea-shells. The coasts of Long Island Sound abounded with these shells, and, according to Bradford; the Pequods and Narragansets had grown “rich and potent” by their abundance of wampum, much in demand for purposes of ornament among the interior tribes. The people of Plymouth first learned the use and value of this article from the Dutch of Manhattan, and they soon found it very profitable in trade with the Eastern Indians, the shells of which it was made not being common north of Cape Cod. Presently it came to be employed as a circulating medium, first in the Indian traffic, and then among the colonists generally. Three of the black beads, or six of the white, passed for a penny. For convenience of reckoning, they were strung in known parcels, a penny, threepence, a shilling, and five shillings in white; twopence, sixpence, two and sixpence, and ten shillings in black. A fathom of white was worth ten shillings, or two dollars and a half; a fathom of black, twice as much; but as the quantity in circulation increased, the value presently depreciated, and the number of beads to the penny was augmented.

The difficulty of paying for imported goods, and the depreciation in the value of corn and cattle, stimulated the colonists to new kinds of industry. Hugh Peters, who had succeeded Williams as minister of Salem, and whose zeal in worldly affairs led him to suppress the weekly lecture there, was very busy in getting up a company for the fisheries, which hitherto had been carried on exclusively from England. Already the General Court had

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 1640. made an order that all property employed in that business should be free of taxation for seven years. Ship building was also gone into, and Peters was active in promoting that. In the course of two years, six large vessels were built, in which voyages were undertaken to Madeira, the Canaries, and presently to Spain, with cargoes of staves and fish, which found there a ready market. Wines, sugar, and dried fruit were imported in return. Thus early was commenced that career of navigation and commerce in which New England still continues so active and distinguished. Nor were manufactures neglected. The cultivation of hemp and flax was successfully undertaken; vessels were sent to the West Indies for cotton; and the fabric of linen, cotton, and woolen cloths was commenced, particularly at *Rowley*, a new town between Ipswich and Newbury, where a colony of Yorkshire clothiers had recently settled, with Ezekiel Rogers, reputed a grandson of the martyr, for their minister. Nathaniel Rogers, cousin of the minister of Rowley, was settled at Ipswich as Norton's colleague, in place of Ward, who had resigned.

The jealousy entertained by the freemen of the arbitrary and undefined powers exercised by the magistrates had been exhibited in repeated calls for a body of fundamental laws, "in resemblance of a magna charta." Two
 1635. commissions, successively appointed to draw up such a
 1636. code, appear to have made but little progress. Several of the magistrates, in fact, were opposed to the proceeding, not only as it might limit their authority, but because the maintenance of the theocracy might make it necessary that some of their laws should run counter to that provision of the charter which required the legislation of the colony to conform to that of England—a contradiction which it was thought safer to introduce by cus-

tom and usage than by express enactment. But the freemen were not satisfied; and the preparation of a draft of fundamental laws had been again intrusted to Cotton and Ward, who made separate reports. Cotton had taken for his model "Moses, his judicials;" and his draft, afterward published in England, has been often erroneously represented as the first code of Massachusetts. Ward, before studying divinity, had been bred a lawyer. His draft seems to have aimed at the preservation of political rights, as they began to be claimed in England, rather than at reconstructing in America a Jewish theocracy.

The appointment of preacher of the election sermon had hitherto rested with the Court of Assistants; but the freemen, without consulting the magistrates, and not a little to their dissatisfaction, about the time these reports were made, took it upon themselves to call Ward to the performance of that duty; upon which occasion he delivered, as Winthrop informs us, "a moral and political discourse," grounded more on "the old Roman and Grecian governments" than on the "practice of Israel." The election that followed resulted in the maintenance of the rotation principle, by the choice of Richard Bellingham as governor.

At the same court Massachusetts received the submission of Dover and Portsmouth, a proceeding in which Underhill had a considerable share. Though, after his election as governor of Dover, he had resented with some insolence the interference of the Massachusetts magistrates, he presently became alarmed at a charge of adultery to which he was summoned to answer by the Boston Church. He obtained a safe-conduct, came to Boston, and confessed the adultery with which he was charged; but his submission not being satisfactory, the church excommunicated him. Several months after, under a new

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 1640. safe-conduct, he came again to Boston, and on a lecture day, after sermon, in presence of the congregation, standing upon a form, in his worst clothes, without a band, a foul linen cap pulled close to his eyes—he who was so fond of “bravery of apparel”—with deep sighs and abundance of tears, laid open his wicked course, his adultery, his hypocrisy, his persecution of God’s people, and, especially, “his pride and contempt of the magistrates.” He justified all the punishments imposed upon him, and dwelt with great pathos on the terrors of excommunication; how he had lost all his pretended assurance, being delivered over to the buffetings of Satan and the horrors of despair. “He spoke well,” says Winthrop, an eyewitness of the scene, “save that his blubberings interrupted him, and all along discovered a broken and contrite heart.” By these and other humiliations he obtained a reversal of his sentence of banishment; and, still further to recommend himself to favor, he pressed the people of Dover to submit to the jurisdiction of Massachusetts—a proposition which had been for some time in agitation. The magistrates of Massachusetts, in consequence of the dispute with Wheelwright about bounds, had sent to explore the Merrimac, which was thus discovered to come from the north. A parallel of latitude three miles north of “any and every part” of the Merrimac formed on the north the chartered limit of Massachusetts, and a claim was accordingly set up to all the New Hampshire towns, as falling within that boundary. A local disturbance at Dover soon gave occasion to interfere. Knolles had been superseded there by one Larkham, “a man of good parts, and wealthy,” lately arrived from England, whom the people preferred to have as minister. But he did not “savor the right way of church discipline,” and, much to the disgust of Knolles and

Underhill, received into the church all who offered themselves as candidates. A violent quarrel soon arose; the hostile parties took arms; Knolles marched at the head of his followers, pistol in hand, with a Bible raised on a pole as his standard; Larkham called in aid from the lower settlement; an armed party from Portsmouth came to his assistance; and a court was held, at which Knolles, and Underhill, whose intrigues on behalf of Massachusetts were not unknown, were heavily fined, and ordered to leave Dover. They applied for aid to Massachusetts; and Peters and Bradstreet, appointed commissioners, traveled on foot from Salem to investigate the matter. Just then, to add to the confusion, it was discovered that Knolles had been guilty of incontinence. In the end, both Dover and Portsmouth agreed to submit to the jurisdiction of Massachusetts; on condition, however, that, so far as these towns were concerned, church membership should not be required as a qualification to be freemen, or to sit as representatives in the General Court. Exeter came into the same arrangement the next year. Wheelwright removed, in consequence, with some of his adherents, and founded the town of Wells, in Maine. Soon afterward he followed the example of Underhill, and, having written a penitential letter, was presently allowed to return to Massachusetts; a favor extended, on similar concessions, to several of the refugees at Aquidany or Rhode Island.

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Some friends in England, shortly after the meeting of the Long Parliament, had suggested an application on behalf of Massachusetts to that body. This, at first, had been declined, "on consideration," says Winthrop, "that, if we should put ourselves under the protection of Parliament, we must then be subject to all such laws as they should make, in which course, though they should intend

CHAPTER X. our good, yet it might prove very prejudicial to us.”
 But, at the court at which Bellingham was chosen gov-
 1641. ernor, it had been resolved to send commissioners to ne-
 gotiate as occasion might offer, and especially to explain
 to the friends in England the many recent failures in the
 payment of debts. The active Peters, appointed on this
 mission, along with Welde, minister of Roxbury, and
 Hibbins, one of the assistants, succeeded in obtaining
 several contributions for the benefit of the colony. The
 younger Winthrop, who visited England in their com-
 1643. pany, returned not long after with capital and workmen
 for establishing iron works—an enterprise warmly encour-
 aged by the General Court, presently set on foot at Brain-
 tree and Lynn, and, after some losses, successfully pro-
 secuted. Peters, who had formerly resided in Holland,
 had a commission, also, from the governors of Massa-
 chusetts and Connecticut to treat with the Dutch West
 India Company for the settlement of limits.

From the two drafts above mentioned, that of Ward
 being principally followed, a body of fundamental laws
 had been compiled and sent to every town, to be first
 considered by the magistrates and elders, and then to be
 published by the constables, “that if any man saw any
 thing to be altered, he might communicate his thoughts
 to some of the deputies.” Thus deliberately prepared,
 these laws, ninety-eight in number, or one hundred in-
 1641. cluding the preamble and conclusion, were at length
 Dec. formally adopted by the name of “Fundamentals,” or
 “Body of Liberties.”

This curious code commences with a general state-
 ment of the rights of the inhabitants in seventeen arti-
 cles, of which several may now be found embodied in the
 Constitution of the United States, and the State Bills
 of Rights. One article secures the right of moving out

of the jurisdiction at pleasure—a privilege denied in Virginia, and hitherto much contested in Massachusetts. Another provides that no man shall be compelled to go out of the jurisdiction upon any offensive war; the exception, however, of “vindictive and defensive wars” left ample scope for military enterprises. All monopolies, except in new inventions for a short time, and all feudal incumbrances on land, are prohibited.

Next follow “rights, rules, and liberties concerning judicial proceedings,” forty-one in number. No legal process is to abate for circumstantial errors which do not prevent the person or the case from being rightly understood. The defendant may set up as many defenses as he pleases—two improvements on the practice of the English courts, subsequently adopted by the English Parliament. Pleadings may be employed, but are not to be paid. Parties to suits are liable to a personal examination—an excellent practice, lately resumed. They may mutually agree whether to refer their case to a jury or to the court. False and malicious plaintiffs are liable to a fine. All criminal cases must be tried at the first court after process is commenced. “No man shall be beaten above forty stripes, nor shall any true gentleman, or any man equal to a gentleman, be punished with whipping, unless his crime be very shameful, and his course of life vicious and profligate.” Torture is prohibited, unless in a capital case, upon a person already convicted upon full proof, and who evidently had a secret accomplice; “then he may be tortured, but not with such tortures as be barbarous and inhuman.” Barbarous and cruel punishments are prohibited—a prohibition, however, which did not extend to whipping, standing in the pillory, cropping, and other similar inflictions, which the hard manners of those times did not esteem cruel. Two

CHAPTER or three witnesses, or their equivalent, are required in a
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1641. capital case. Jurors are to be chosen by the freemen of the towns.

Twenty "liberties, more particularly concerning the freemen," relate to the civil polity of the colony. The right of superintending the churches is conferred upon the magistrates and General Court—the representatives, it must be recollected, of a constituency of church members. The right to deal with church members "in a civil way," without waiting for the action of their particular churches—a point on which there had been some controversy—is expressly vindicated. No church censure can degrade or depose any civil officer—a provision intended, however, not so much for the benefit of the civil power against the churches, as to protect the majority of church members against the members of each particular church. The right of the towns to elect their "prudential" officers, called selectmen, and their deputies to the General Court, and of the body of the freemen to choose annually all magistrates, is specially guarded. The control of all local treasuries is secured to the freemen of the locality, and of the public treasury to the General Court, which has also the pardoning power. Jurors "not clear in their judgments or consciences" may, in open court, consult with any person whom they desire "to resolve or advise" them. No proscription nor custom may prevail to establish any thing "morally sinful by the law of God."

"Liberties of women," in two articles, take from husbands that right over the wife of personal chastisement, which the common law of England allowed. The General Court is authorized to interfere for the benefit of the widow, to whom, at his death, the husband had not left "a competent portion of his estate."

“Liberties of children,” in four articles, give the eldest son a double portion of intestate estates—a practice borrowed from the Mosaic code, and adopted throughout New England. Cases of “willful and unreasonable denial of timely marriage”—to which, as respected minors, parental consent was necessary—and of unnatural severity on the part of parents, were to be redressed by the magistrates. CHAPTER
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“Liberties of servants,” in four articles, made it lawful to harbor indented servants flying from the tyranny of their masters until the matter could be judicially examined, notice being given to the master and the nearest constable. A faithful and diligent service of seven years entitled the servant to dismissal “not empty-handed;” but servants unfaithful, negligent, and unprofitable to masters who treated them well, were not to be discharged till they had made up for their negligences. A servant maimed or disfigured by his master was entitled to liberty and other recompense. We may notice here incidentally, among other effects of the prevailing financial crisis in the colony, that those who had brought estates with them from England, and had relied on the labor of indented servants, became for the most part impoverished, while some of these very servants, and others of inferior condition, craftsmen or traders, were quite successful in acquiring property, and founded families afterward conspicuous in colonial annals.

“Liberties of foreigners and strangers,” in three articles, limit the hospitalities of the colony to people of other nations “professing the *true* Christian religion”—rather a narrow limitation, if the judgment of Massachusetts Bay were to be taken as the standard. But sufferers by shipwreck, whether friends or enemies, were to be protected. One of these articles, based on the Mo-

CHAPTER saic code, provides that "there shall never be any bond-
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 slavery, villanage, nor captivity among us, unless it be

1641. lawful captives taken in just wars, and such strangers as willingly sell themselves or are sold unto us, and these shall have all the liberties and Christian usages which the law of God established in Israel requires. This exempts none from servitude who shall be judged thereto by authority." This article gives express sanction to the slave trade, and the practice of holding negroes and Indians in perpetual bondage, anticipating by twenty years any thing of the sort to be found in the statutes of Virginia or Maryland.

Two articles "of the brute creature" forbid cruelty to domestic animals, and secure the right of pasturage in uninclosed lands to all persons driving cattle.

"Capital laws" inflict the punishment of death on twelve offenses—idolatry, witchcraft, blasphemy, premeditated murder, sudden or passionate murder, poisoning or other guileful murder, two crimes of uncleanness, adultery, man-stealing, perjury in a capital case, and "the treacherously or perfidiously attempting the alteration or subversion" of the fundamental frame of polity adopted by the colony. Each infliction of death is backed by references to the law of Moses. Some of the deputies were very earnest for specific punishments for all minor offenses; but this was zealously, and, for the present, successfully opposed by the magistrates, who insisted upon a discretion on those points.

The fundamentals conclude with a declaration of "the liberties which the Lord Jesus has given to the churches." But the strict union between church and state, and the despotic authority assumed by the aggregate of the church members, as represented by the magistrates and deputies, reduced the liberties of the individual churches

within very narrow limits. Almost every clause in this section is burdened with a qualification which destroys its force. "Every church hath free liberty of election and ordination of all their officers, provided they be able, pious, and orthodox." "We allow private meetings for edification in religion among Christians of all sorts of people, so it be without just offense for number, time, place, and other circumstances." The polity of Massachusetts conferred, in fact, unlimited power in matters of religion, as in every thing else, upon the majority of the church members, as represented by the magistrates and General Court. Those in the minority, whether churches or individuals, had no rights and no alternative but silence and submission, or withdrawal from the colony.

Bellingham's administration was a good deal disturbed by contentions between him and the other magistrates. He got into difficulty, also, with the deputies, who gave him a "solemn admonition" for having presumed to alter, without authority from the court, the amount of a fine which had been imposed. The curious circumstances of his second marriage brought him also into collision with the law. The bride was a young lady about to be engaged to a young friend of the governor, who had promoted the match; but all of a sudden overcome, as he alleged, by "the strength of his affection," Bellingham proposed on his own account. The lady accepted, and, without waiting to conform to the publication law, the governor, by virtue of his authority as a magistrate, performed the marriage ceremony himself!

At the next election Winthrop was again chosen governor, notwithstanding the efforts of Speaker Hathorne to have him left out of the magistracy altogether, under pretense of the poverty to which his recent losses had

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reduced him. Bellingham, however, was rechosen a magistrate, and was sitting on the bench as such when 1642. the indictment which the grand jury had found against him for violation of the publishment law came up for trial. He did not leave the bench; and, as but one or two other magistrates were present, the secretary, not thinking it proper that he should sit on the trial of his own case, passed it by; and so the matter seems to have dropped.

Dudley was so much mortified at the repeated preferences given to Winthrop as governor, that he threatened to leave the colony, and was with great difficulty prevailed on to retain his place as a magistrate. The spirit of emigration, coeval with the planting of New England, and parallel with its growth, had received a new impulse from the late decline in the value of property. Undeterred by the "meager, unhealthful countenances" of Virginia and the West Indies, many were so taken with the supposed ease and plenty of those countries as to propose removing thither. Migration to Long Island was already begun, of which we shall have occasion to speak further in another chapter. Thomas Mayhew having purchased Martha's Vineyard of an agent of Lord Stirling, presently, with a colony from Watertown, commenced a settlement there. Lord Say was engaged in 1643. a new project for a colony at New Providence, one of the Bahamas; he also had a settlement on foot at Trinidad; and some people of Massachusetts, through the importunities of Humphrey, his agent, were persuaded to remove thither. It was vainly attempted to quiet Humphrey by choosing him major general of the Massachusetts militia, an office he was the first to hold.

Jealous of these migrations, Winthrop wrote to Lord Say, showing him "how evident it was that God had

chosen New England to plant his people in, and therefore how displeasing it would be to the Lord, and dangerous to himself, to hinder this work." The Spaniards, who claimed the Bahamas, attacked New Providence, and the settlement was broken up. Nor did that at Trinidad succeed any better. "Much disputation there was," says the patriotic Winthrop, "about liberty of removing for outward advantages, and all ways were sought for an open door to get out at; but it is to be feared many crept out at a broken wall. For such as come together into a wilderness where are nothing but wild beasts and beast-like men, and there confederate together in civil and church estate, whereby they do, implicitly at least, bind themselves to support each other, and that society, whether civil or sacred, of which they are members, how they can break from this without free consent is hard to find, so as may satisfy a tender or good conscience in time of trial." To remain in Massachusetts was to submit, however, to a pretty strict regimen, of which some curious instances presently appeared. The young Richard Saltonstall, lately elected a magistrate, had written a treatise against the Standing Council for Life, which he had delivered to Hathorne, a sort of leader of the deputies, to lay before the General Court. But Hathorne, with the fate of Stoughton before him, hesitated to do it. The existence of this treatise presently leaked out, and an order was passed to bring it into court. Some passages appeared to Winthrop "very offensive and unwarrantable;" yet the deputies resisted all attempts to censure the author. He was very roughly answered, however, in two counter treatises, one by Dudley, the other by one of the ministers. The elders, to whom Saltonstall's book was referred by the General Court, made an elaborate report upon it, lenient, indeed,

CHAPTER toward Saltonstall, but justifying the Council for Life
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 against his censures.

1642. Briscoe, "a rich man, a tanner," but not a church member, and, of course, not a freeman, who "published underhand" a treatise against taxation for the support of the ministers, did not escape so easily. He was fined ten pounds, and one of the publishers forty shillings.

A transaction, some two or three years afterward, in which Saltonstall was concerned, has been magnified by too precipitate an admiration into a protest on the part of Massachusetts against the African slave trade. So far, however, from any such protest being made, at the very birth of the foreign commerce of New England the African slave trade became a regular business. The ships which took cargoes of staves and fish to Madeira and the Canaries were accustomed to touch on the coast of Guinea "to trade for negroes," who were carried generally to Barbadoes or the other English islands in the West Indies, the demand for them at home being but small. In the case above referred to, instead of buying negroes in the regular course of traffic, which, under a fundamental law of Massachusetts already quoted, would have been perfectly legal, the crew of a Boston ship joined with some London vessels on the coast, and, on pretense of some quarrel with the natives, landed a "murderer"—the expressive name of a small piece of cannon—attacked a negro village on Sunday, killed many of the inhabitants, and made a few prisoners, two of whom fell to the share of the Boston ship. In the course

1645. of a lawsuit between the master, mate, and owners, all this story came out, and Saltonstall, who sat as one of the magistrates, thereupon presented a petition to the court, in which he charged the master and mate with a threefold offense, murder, man-stealing, and Sabbath-

breaking; the first two capital by the fundamental laws CHAPTER X. of Massachusetts, and all of them "capital by the law of God." The magistrates doubted their authority to punish crimes committed on the coast of Africa; but they ordered the negroes to be sent back, as having been procured not honestly by purchase, but unlawfully by kidnapping. 1642.

Ever since the termination of the Pequod war New England had been disturbed by rumors of Indian hostilities. An opinion, indeed, had gained ground, current at the same time in Virginia, that the Indians were of the "cursed race of Ham," fit only to be rooted out. This cruel opinion had been reprobated in a joint letter, addressed to the General Court of Massachusetts by the magistrates of Connecticut, New Haven, and Aquiday, in which it was recommended to gain over the Indians by justice and kindness. To these humane sentiments the General Court of Massachusetts had responded; but they refused to include the magistrates of Aquiday in their answer, or to have any intercourse with such schismatics. Presently new reports began to spread—propagated, it seems probable, by Uncas, sachem of the Mohegans, a restless chief, very jealous of his Narraganset neighbors—rumors which so wrought upon the magistrates of Connecticut that they sent to invite Massachusetts to join with them in a sudden attack on the Indians. By way of precaution, the magistrates of Massachusetts ordered Cutshamikin, the principal sachem in the neighborhood of Boston, to be arrested and disarmed. Passaconaway, on the Merrimac, was also called upon to deliver up his guns, which he did readily, notwithstanding some violence and insults to his family on the part of the messengers, for which the magistrates ordered an apology to be made. Miantonimoh, the Nar- 1640. Sept.

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 1642. raganset chief, being sent for, came freely to Boston; and the General Court, convinced that the charges against him were false, refused to take up arms. Miantonimoh demanded justice on his false accusers, but was obliged to promise not to make war on Uncas without first obtaining permission to do so. A law was passed on occasion of this alarm, requiring all the towns to keep themselves provided with powder—the origin of those powder-houses, perched on some lonely hill, which formed, in past years, marked objects in the New England landscape.

Meanwhile letters arrived from several lords, commoners, and ministers in England, “who stood for the independency of the churches,” addressed to Cotton of Boston, Hooker of Hartford, and Davenport of New Haven, inviting them to come over and assist in the famous Assembly of Divines, then about to meet at Westminster. Cotton “apprehended greatly a call of God in it.” So did Davenport; but his church could not spare him. Hooker thought it not worth while to go so far to be in a small minority, since it was evident that Presbyterianism on the Scotch model was chiefly in favor with the English Puritans. Letters bringing accounts of the breach between the king and the Parliament, and presently of the commencement of the civil war, caused a final relinquishment of the idea of going.

Applications also came to Massachusetts from Barbadoes, the Leeward Islands, and Virginia, to furnish those colonies with faithful ministers; and, in the case of Virginia, as we shall presently see, this call was not disregarded. The West Indies, being much infested by “Familiists”—enthusiasts, that is, of the Hutchinsonian species—did not seem to present so promising a field.

1643. At the next Court of Elections, notwithstanding a

vehement sermon from Ezekiel Rogers in favor of rota-
 tion in office, Winthrop was re-elected governor. A late
 order of the House of Commons, that all exports and im-
 ports to and from New England should be free of all
 customs, was gratefully received, and entered on the rec-
 ords. The oath of allegiance to the king was dropped.
 As the "godly Parliament," in its struggle with the
 king, made no scruple to fight under the red cross, the
 doubts on that subject presently died away, and the En-
 glish flag was resumed.

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Massachusetts was now divided into four counties,
 Suffolk, Middlesex, Essex, and Norfolk, the latter includ-
 ing the New Hampshire towns.

Some progress in exploring the interior had already
 been made. Darby Field, an Irishman, with two Indian
 guides, had penetrated to and ascended the White Hills,
 whose glistening tops, the first land seen on approaching
 the coast, had long been a noted landmark. The report
 he brought back of shining stones caused divers others
 to travel thither, "but they found nothing worthy of
 their pains." Thomas Gorges, governor of Maine, pad-
 dled up the Saco, in birch-bark canoes, as far as Pigwag-
 get, an Indian town, whence he too climbed the mount-
 ains, and saw, from their tops, the sources of the Con-
 necticut, the Androscoggin, the Merrimac, and the Saco.

Massachusetts having thus extended itself into New
 Hampshire, a confederacy, to be known as the UNITED
 COLONIES OF NEW ENGLAND, was entered into at Bos-
 ton, between delegates from Plymouth, Connecticut, and
 New Haven on the one hand, and the General Court
 of Massachusetts on the other. Supposed dangers from
 the Indians, and their quarrels with the Dutch of Man-
 hattan, had induced the people of Connecticut to with-
 draw their former objections to this measure. Two com-

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missioners from each colony were to meet annually, or oftener, if necessary; the sessions to be held alternately at Boston, Hartford, New Haven, and Plymouth; but Boston was to have two sessions for one at each of the other places. The commissioners, all of whom must be church members, were to choose a president from among themselves, and every thing was to be decided by six voices out of the eight. No war was to be declared by either colony without the consent of the commissioners, to whose province Indian affairs and foreign relations were especially assigned. The sustentation of the "truth and liberties of the Gospel" was declared to be one great object of this alliance. All war expenses were to be a common charge, to be apportioned according to the number of male inhabitants in each colony. Runaway servants and fugitive criminals were to be delivered up, a provision afterward introduced into the Constitution of the United States; and the commissioners soon recommended, what remained ever after the practice of New England, and ultimately became, also, a provision of the United States Constitution, that judgments of courts of law and probates of wills in each colony should have full faith and credit in all the others. The commissioners from Massachusetts, as representing by far the most powerful colony of the alliance, claimed an honorary precedence, which the others readily conceded.

Plymouth, though far outgrown by Massachusetts, and even by Connecticut, had made, however, some progress.

1639. It now contained seven towns, and had lately adopted a representative system. But the old town of Plymouth was in decay, the people being drawn off to the new settlements. Bradford had remained governor, except for four years, during two of which he had been relieved by Edward Winslow, and the other two by Thomas Prince.

CHAPTER X
 1643. point, selected in the terms of the charter, three miles south of the southernmost part of Charles River; but, instead of running due west, as it should have done, it deviated so far to the south as to include the present towns of Enfield and Suffield, reckoned at that time a part of Springfield, and for a century afterward attached to Massachusetts.

Gorges's province of Maine was not received into the New England alliance, "because the people there ran a different course both in their ministry and civil administration." The same objection applied with still greater force to Aquiday and Providence. By omitting to excommunicate its exiled members, except in the case of Mrs. Hutchinson, the Boston Church still claimed a sort of spiritual authority over them, and had been not a little piqued at their repeated refusals to submit to it. A son and son-in-law of Mrs. Hutchinson, the latter a young minister from the West Indies, whom she was suspected of having fascinated by witchcraft, were arrested at Boston while on a visit there, and heavily fined and imprisoned on account of a letter which one of them had written, in which the Massachusetts churches were spoken of as "anti-Christian." Communications were on foot between Coddington and the Massachusetts magistrates, and, hardly thinking herself safe at Aquiday, Mrs. Hutchinson and family, her husband being dead, removed to "Ann Hook," now *Pelham*, beyond Greenwich, and under the jurisdiction of the Dutch. A war soon after broke out between the Dutch and the Indians, during which these unfortunate exiles, to the number of eighteen, were massacred, except a grand-daughter, who was carried off a prisoner. "God's hand is apparently seen herein, to pick out this woeful woman, to make her, and those belonging to her, an unheard-of heavy ex-

ample!" Such was the exultation of the pious Welde CHAPTER X.
 over Mrs. Hutchinson's tragical end. She left a son at _____
 Boston who did not share her exile, and whose posterity 1643.
 became distinguished in the history of the colony.

Roger Williams and the settlers at Providence were even more obnoxious than those of Rhode Island. Indeed, it was some movement at Aquiday toward a reconciliation with Massachusetts that had precipitated the flight of Mrs. Hutchinson. Williams, on the other hand, had embraced the doctrines of the Anabaptists, and being 1639.
 first dipped by one of the brethren, and then himself dipping the others, had become the founder and teacher of the first Baptist Church in America. But he soon left it, became a "seeker," and, after many doubts as to authority for any ecclesiastical organization, finally concluded that none was lawful, or, at least, necessary. Though he continued to employ the phraseology of the Puritans, he seems ultimately to have renounced all formalities of worship, having adopted the opinion that Christianity was but another name for humanity. "To be content with food and raiment; to mind, not our own, but every man the things of another; yea, and to suffer wrong, and to part with what we judge to be right, yea, our own lives, and, as poor women martyrs have said, as many as there be hairs upon our heads, for the name of God and the Son of God's sake—this is humanity, yea, this is Christianity; the rest is but formality and picture-courteous idolatry, and Jewish and popish blasphemy against the Christian religion." So Williams expressed himself many years afterward, toward the end of his life, in a letter to Mason, hero of the Pequod war, and chief military officer of Connecticut.

But, though Williams abandoned his Baptist opinions, others took them up. The Lady Moody, "a wise and

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 1643. anciently religious woman," who had purchased Humphrey's plantation at Lynn, being dealt with by the church at Salem for errors of this sort, to avoid further trouble removed to Long Island, where she settled, with her son Sir Henry, under the jurisdiction of the Dutch. Others infected with the same opinions removed, some to Providence, and some to New Netherland.

1644. Not content with these voluntary departures, a law was presently published in Massachusetts inflicting banishment upon all such as, after "due time and means of conviction, continue obstinate" in opposing infant baptism. At Aquiday, also, a Baptist church was established—the second in America—at the head of which was John Clarke. These Anabaptists appear to have removed to the lower end of the island, and to have formed a settlement there, which they called *Newport*, Coddington's original settlement at the upper end of the island being known as *Portsmouth*.

Samuel Gorton was inferior to Roger Williams and Mrs. Hutchinson in talent and acquirements, but as an heresiarch he was hardly less to be dreaded. Originally a London clothier, he had made himself obnoxious to the magistrates of Massachusetts and Plymouth by pretensions to a sort of transcendental enlightenment in spiritual matters. He called himself "professor of the mysteries of Christ," taught that in himself and other true believers "the child is born, the son is given," and blessed God that he was not brought up "in the schools of human learning." Ejected from Plymouth with much hard usage, as he alleged, being turned out of his house in the midst of a snow-storm, with his wife and infant child, the child sick of the measles, the wife "as tenderly brought up as any man's wife in that town;" expelled even from Aquiday, where he was publicly flogged on a charge of

disrespect toward the magistrates, he took refuge at last in the south part of Providence. Here, too, he made himself obnoxious to some of the settlers, and a disturbance arose which Williams was with difficulty able to appease. Some of the inhabitants, headed by one Benedict Arnold, even went so far as to invite the interference of Massachusetts, which was promised if they would submit to her jurisdiction, or, if they preferred it, to that of Plymouth. Several of them accordingly went to Boston and submitted; and a warrant was presently sent to Gorton, citing him to answer to their complaint. For the sake of peace, and to escape this threatened danger, after returning a rude answer addressed to the "great idol general of Massachusetts," Gorton, with a number of followers, removed southerly across the Pawtuxet, and, having purchased of Miantonimoh, for one hundred and forty-four fathoms of wampum, a tract called *Shawomet*, they commenced an independent settlement there, the third within the limits of the present state of Rhode Island.

Alarmed at the threatened interference of Massachusetts, and the danger that her spiritual despotism might be extended over all her neighbors, Roger Williams resolved to proceed to England, there to solicit a charter—a step suggested the year before by the people of Aquidag. Not being allowed to visit Boston, he went to Manhattan, and obtained passage there by way of Holland.

Not long after the departure of Williams, two inferior sachems from the neighborhood of Shawomet complained to the magistrates of Massachusetts, through Benedict Arnold, their agent and interpreter, one of those inhabitants of Providence who had lately submitted to the Massachusetts jurisdiction, that Gorton had wrongfully dispossessed them of their lands. One of them had signed the deed of conveyance; but he alleged having done so through

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CHAPTER the compulsion of Miantonimoh. The Massachusetts mag-
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 1643. ~~for~~ Miantonimoh; adjudged him to have no title to the
 land, or power over the sachems—wrongfully, as Williams
 alleges; and, having made this decision, they received
 from those same sachems a submission of themselves and
 their territory to the authority of Massachusetts, with a
 promise, on their part, to obey the ten commandments.
 This submission, though vaunted by Winthrop as “the
 fruits of our prayers, the first fruits of our hopes,” a proof
 that “the Lord was about to bring the Indians to civility,
 and so to conversion,” seems, however, to have been but
 a mere contrivance for obtaining some pretense to dis-
 possess Gorton, or to compel him and his followers to sub-
 mit to the authority of Massachusetts. Arnold was al-
 lowed four pounds for his services in this business.

Miantonimoh, it is possible, might not have quietly
 submitted to this interference, but that unfortunate chief
 was, shortly after, effectually disposed of. His virulent
 July enemy, Uncas, attacked one of his subordinate chiefs, of
 which he complained to the governors of Massachusetts
 and Connecticut, requesting liberty to make war in re-
 turn. He was told, if Uncas had injured him and would
 not give satisfaction, “to take his own course;” and, ac-
 August. cordingly, he invaded the Mohegan territories, but was
 defeated, betrayed, and taken prisoner. A present of
 wampum, sent by the Narraganset chiefs, and an urgent
 and threatening message from Gorton, prevailed on Un-
 cas to spare the captive’s life, and to carry him prisoner
 to Hartford. His fate presently became a principal sub-
 Sept. ject of discussion in the second meeting of the Commis-
 sioners for the United Colonies, held at Boston. His
 enterprise and sagacity were dreaded, and, perhaps, his
 friendship for Williams and Gorton weighed in the bal

ance against him. His important aid in the Pequod war, and his uniform friendliness to the colonists, were forgotten. He was denounced as "of a turbulent and proud spirit, which would never be at rest." The commissioners were all of opinion "that it would not be safe to set him at liberty." A pretense was even sought and found for putting him to death. Uncas had formerly charged Miantonimoh with attempting to bewitch and to assassinate him; and, after consulting with five of "the most judicious elders," it was agreed, under color of these charges, that the Connecticut commissioners, on their return to Hartford, should deliver up Miantonimoh to Uncas, with directions to take him out of the limits of the colony, and to do execution upon him; but without torture. Two colonists were to attend, on behalf of the commissioners, to see the execution done. If Uncas refused, Miantonimoh was to be sent prisoner to Boston. But there was no danger of refusal. The Mohegan chief gladly undertook a commission so consonant to his revengeful feelings; and, with his own hand, the moment Miantonimoh had passed the border, he struck a hatchet into his head. Having cut a piece from the shoulder of his fallen enemy, Uncas eagerly devoured it, declaring that it made his heart strong, and was the sweetest morsel he ever ate! To protect Uncas from the vengeance of the Narragansets, he was furnished, at the expense of the United Colonies, with a guard of fourteen musketeers.

On the spot where Miantonimoh thus fell, a block of granite has lately been placed, inscribed with his name.

While that unfortunate chief was thus rewarded for his former aid and friendship, Gorton and his companions were summoned to Boston to answer to the complaints of the two sachems. They gave a verbal reply, refusing to come; whereupon the Massachusetts magistrates sent

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 1643. three commissioners, Captain Cook, afterward a colonel in Cromwell's army, Lieutenant Atherton, afterward major general of Massachusetts, and Lieutenant Johnson, whom we shall presently meet with as an author and historian, attended by forty armed men, and authorized to demand and receive satisfaction, or, if it was refused, to use force. Gorton sent a letter to the commissioners bidding them welcome if they came as friends, but warning them not to approach in hostile array at their peril. The commissioners returned a truculent answer; the women and children fled to the woods, while the men of Shawomet, with arms in their hands, established themselves in a fortified house. By the mediation of some Providence men, a parley was had. Gorton alleged that, as Massachusetts was a party to the dispute, she could not be an equal judge; he therefore proposed to refer the controversy as to the title to Shawomet to arbitrators, if "some of them might be of Providence or Aquiday," and he offered the cattle belonging to his party as security, to abide the decision. This reasonable offer was transmitted to Massachusetts, but, by advice of the elders, was haughtily rejected. It was not, the elders said, a mere question of title to lands, but a question of blasphemy, and blasphemy could not be compounded. Trenches were opened against the fortified house, which was repeatedly set on fire. Three of the inmates escaped during the siege; the rest called a new parley, and agreed to go with the commissioners to Boston, provided they might go as "free men and neighbors." They were treated, however, as prisoners of war, and were brought to Massachusetts, to the governor's house, "in a military order, the soldiers being in two files, and after every five or six soldiers a prisoner." "Having conferred privately with the commissioners, the governor caused the prisoners to be brought

before him in his hall, where was a great assembly, and there laid before them their contemptuous carriage to-
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 ward us, and their obstinacy against all the fair means and moderation we had used to reform them and bring them to do right, and how the Lord had now justly delivered them into our hands." "They pleaded in their excuse that they were not of our jurisdiction, and that, though they had now yielded themselves to come and answer before us, yet they yielded not as prisoners." "The governor replied that they were brought to him as taken in war; but if they could plead any other quarter or agreement, we must and would perform it"—"to which," says Winthrop, "they made no answer." "So the governor committed them to the marshal to convey to the common prison, and gave order that they should be well provided for both for lodging and diet. Then he went forth again with the captain, and the soldiers gave him three volleys of shot, and so departed to the inn, where the governor had appointed some refreshing to be provided for them above their wages." These wages were ten shillings, or near two dollars and a half a week, the soldiers to victual themselves—"very liberal," says Winthrop, "as is needful in such commonwealths as desire to be served by volunteers." The Sunday after their arrival, having refused to attend the forenoon public service, the magistrates determined that in the afternoon they should be compelled. They agreed, however, to go without force, "so they might have liberty, after sermon, to speak if they had occasion." "The magistrates' answer was, that they did leave the ordering of things in the church to the elders, but there was no doubt but they might have leave to speak, so as they spake the words of truth and sobriety." The prisoners accordingly came to the afternoon service, and were "placed in the fourth

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 1643. seat, right before the elders." "Mr. Cotton, in his ordinary text, taught out of Acts, xix., of Demetrius pleading for Diana's silver shrines." "After sermon, Gorton desired leave to speak, which being granted, he repeated the points of Mr. Cotton's sermon, and, coming to that of the silver shrines, he said, that in the church there was nothing now but Christ, so that all the ordinances, ministers, sacraments, &c., were but men's inventions for pomp and show, and no other than those silver shrines of Diana." He held, also, "that Christ was incarnate in Adam, and was the image of God wherein Adam was created." Another of his doctrines was, "that the only heaven is in the hearts of the good, and the only hell in the hearts of the wicked."

Nov

When the General Court came together, the prisoners were subjected to a long inquisitorial examination, and put on trial for their lives, on the charge of being "blasphemous enemies of true religion and civil government, particularly within this jurisdiction." Gorton made an ingenious defense, giving a symbolical and transcendental interpretation to his more offensive expressions; but this did not avail. Seven of the prisoners were found guilty, Gorton included; four others were discharged, two of them "on a small ransom, as prisoners taken in war." A majority of the magistrates were zealous for putting Gorton to death; but the deputies dissented. The sentence agreed upon was the separate confinement of the seven culprits, in seven different towns, there to be kept at hard labor, in irons, under pain of death if by speech or writing they attempted to publish or maintain any of their "blasphemous and abominable heresies." Their cattle, to the number of eighty, were seized to pay the expenses of their arrest and trial, assessed at £160. Notwithstanding the threat of death hanging over their heads, it was

soon found that these stubborn enthusiasts were making converts, especially among the women. They were therefore ordered, at the next court, to depart out of the jurisdiction within fourteen days, and not to return either to Massachusetts or Shawomet under pain of death. CHAPTER
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Having obtained from the Narraganset sachems, upon whose spirits the death of Miantonimoh lay heavy, a deed submitting themselves and their country to the king, Gorton sailed from Manhattan for England, there to seek redress. His mystic eloquence recommended him to some among the Independents; and though the Presbyterian clergy endeavored to stop him as not being "a university man," he was duly recognized as a "minister of the Gospel," and preached as such in London and elsewhere. These high-handed proceedings on the part of Massachusetts have been much misrepresented by most New England historians, who have overwhelmed Gorton with all sorts of reproaches. The account here given, extracted from Winthrop's journal, can hardly be suspected of undue partiality to the sufferers. April 19.

We have formerly seen an important political revolution in Massachusetts brought about by the laws in relation to stray swine. A particular case under those laws led now to a modification in the form of the General Court. Robert Kean, brother-in-law of Dudley, a leading Boston merchant and church member, captain of the "ancient and honorable artillery," an aristocratic corps recently instituted, had been sued by a poor woman for having killed and appropriated her stray pig. She was instigated to this suit, according to Winthrop, by one Story, a young London merchant, who lodged in her house, and whom Kean had caused to be summoned before the magistrates as "living under suspicion." Kean cast the woman in costs, and, becoming plaintiff in his

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1643. turn, had recovered twenty pounds in a suit for slander against her and Story. But Story was not so easily to be put down; he "searcheth town and country to find matter against Captain Kean about this stray sow;" and, having got one of Kean's witnesses to confess that he had sworn falsely, he petitioned the General Court for a re-hearing. Kean was of "ill report" in the country on account of his "hard dealings" in the way of trade, for which he had been fined at a previous court, and censured by the church. In this state of public sentiment against him, the petition for a re-hearing was favorably entertained. After a seven days' trial, two of the magistrates and fifteen of the deputies pronounced an opinion in favor of reversing the former decision, while seven magistrates and eight deputies went for sustaining it. This result, as it prevented any decision, raised a fresh outcry against the negative voice of the assistants, to appease which the governor and magistrates published a "True State of the Case," to which, however, Story put out a "Counter Statement." An "Answer" to this counter statement was presently drawn up, and the whole matter was discussed at a meeting of elders, magistrates, and deputies, at which a reconciliation was attempted. The two dissentient magistrates were Bellingham and Saltonstall, the latter of whom had not yet forgotten the affair of his treatise against the Standing Council. By the efforts of the elders he was now reconciled to Winthrop, but Bellingham stood out. At the next court Story presented a new petition for a re-hearing, and the whole quarrel threatened to revive. The suit was finally compromised by Kean's releasing the damages he had recovered; but the discussion about the assistants' negative continued, and the deputies generally were very earnest against it. Winthrop wrote a tract in its favor, and

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when that tract was replied to, he put out a rejoinder CHAPTER X. to the reply. One of the elders, in a small treatise, 1644. "handled the question scholastically and religiously, laying down the several forms of government, both simple and mixed, and the true form of our government, and the unavoidable change into a democracy if the negative voice were taken away." The magistrates, with much ado, so far carried their point as to succeed in retaining their negative, and they sat thenceforward as a separate house; March. but it was agreed that when the two houses differed in the decision of suits, the majority of the whole court should decide.

Razzillai, late governor of Acadie for the Company of New France, had been succeeded in that office by D'Aulney de Charnisé, known in New England as M. D'Aulney. Besides La Hâve and Port Royal, D'Aulney occupied the trading post on the Penobscot, formerly captured from the Plymouth people, where he established, also, a Franciscan mission for the conversion of the Indians. But he had a rival and an enemy in La Tour, whose father, a Huguenot, had been one of the earliest French adventurers in Acadie. Taken prisoner by Kirk, whose invasion of Acadie has been formerly mentioned, the elder La Tour had agreed to assist in reducing Nova Scotia, and had been made a baronet of that province by Sir William Alexander, receiving at the same time a large grant of territory. La Tour, the son, who professed to be a Catholic, had declined to enter into his father's schemes; but, besides the posts which he held under French grants, he inherited, also, his father's Nova Scotia claims—invalid, indeed, under the cession of Nova Scotia to France, but sufficient groundwork for a claim on the part of La Tour to good will and assistance from the English colonists. The quarrel between La Tour

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- and D'Aulney was chiefly occasioned, no doubt, by rivalry in trade, though La Tour, who claimed the rank of a nobleman, complained that a man of D'Aulney's inferior birth, a mere former clerk of Razzillai, should have been made governor over his head. The dispute between these rival traders was presently carried to the French court, where La Tour obtained a royal letter confirming to him the possession of his fort and trading house at the mouth of the St. John's, together with the whole Acadien peninsula except Port Royal and La Hâve.
1643. D'Aulney procured, however, some three years after, a royal letter to arrest his rival and send him to France. La Tour had formerly had some sharp encounters with the New England traders; it was he who had broken up the Plymouth trading house at Machias. But, finding himself in a precarious position, and his intercourse with France in danger of being cut off, he presently sent a messenger to Massachusetts, asking assistance against D'Aulney, and proposing free trade and a supply of goods from London through the Boston merchants, and the shipment of furs thither by the same conveyance. A Boston ship commenced a trade with St. John's, and La Tour's wife obtained passage at Boston for France; whereupon D'Aulney sent word that La Tour was a rebel, and that he should seize all vessels trading with him.
1643. La Tour himself entered Boston harbor the next
May 4. spring in a large armed ship full of men, and sent a boat ashore at an island where Governor Winthrop and his family were residing. The sudden appearance of this vessel caused a great alarm. The townspeople ran to arms, and three shallops were fitted out to escort the governor home. La Tour, however, came as a suppliant. This vessel, sent from Rochelle by La Tour's wife, an active assistant in his affairs, had not been able to enter

the harbor of St. John's, which D'Aulney was blockading CHAPTER X. with two ships, three pinnaces, a galliot, and five hundred men. So La Tour had stolen out in his shallop, got on board, and steered for Boston. He exhibited a commission and letters, which seemed to show that he still had interest in France. He also asked and obtained leave to land and refresh his men, but with the restriction of landing them in small companies, "that our women, &c., might not be affrighted." A "training day soon falling out," and La Tour having asked permission to exercise his soldiers on shore, by leave of the magistrates he landed forty men in full equipments. "They were brought into the field by our train-band, consisting of one hundred and fifty, and in the forenoon they only beheld our men exercise. When they had dined—La Tour and his officers with our officers, and his soldiers invited home by the private soldiers—in the afternoon they were permitted to exercise, our governor and other of the magistrates coming then into the field, and all ours stood and beheld them. They were very expert in their postures and motions;" but one of their maneuvers, representing the preparation for a sudden attack, greatly frightened the women and children, and probably some of the men also. Many, indeed, judged it highly imprudent to allow such a body of popish soldiers to land in the town. La Tour ingratiated himself with some of the Boston merchants, and, though he hardly pretended to be a Huguenot, he put on a great air of piety, went regularly to meetings and lectures, and earnestly entreated Winthrop to allow him to charter vessels and hire men for the relief of St. John's.

Neither the General Court nor the Commissioners for the United Colonies, to whose province the affair properly belonged, were called together, as they should have

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been on this occasion. Winthrop, however, did not act without consulting the magistrates and elders; but they were by no means unanimous in their advice. Some of them opposed any "popish leagues," quoting, along with other texts, the speech of Jehu, the seer, to Jehoshaphat: "Shouldst thou help the ungodly, and love them that hate the Lord?" And also from Proverbs: "He that passeth by, and meddleth with strife belonging not to him, is like one that taketh a dog by the ears." It was answered, however, that Joshua aided the Gibeonites against the rest of the Canaanites, and that Jehoshaphat assisted the ungodly Jehoram against the Moabites, without any reproach from the prophet Elisha, who was himself present in the expedition. Nor were more worldly reasons wanting. Winthrop thought it would be good policy to uphold La Tour against D'Aulney, and so to prevent the whole eastern coast from falling under the sole control of a zealous Catholic and active fur trader, who rigidly excluded New England ships from any trade to the eastward, which La Tour promised to allow. This view of the case found favor, also, with the Boston merchants. These arguments prevailed; La Tour was allowed to hire at Boston four ships and a pinnace, with eighty men; and, thus re-enforced, he raised the blockade of St. John's, and pursued D'Aulney to Port Royal, where the Boston men landed and committed some depredations. Against all these proceedings D'Aulney earnestly protested.

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Winthrop's conduct in this affair had not given entire satisfaction; several of the ministers and magistrates had remonstrated against it, and, at the next election, Endicott, who looked with very suspicious eyes on the "idolatrous French," was chosen governor, Winthrop being elected deputy. With the help of some adventurers from

New England, La Tour had attacked D'Aulney's establishment at Penobscot; but hearing from his wife in France that the interest of his rival was entirely in the ascendant there, he came again to Boston to beg for aid. The magistrates and elders again discussed at length whether it were lawful "for a true Christian to aid an anti-Christian," and whether, in this particular case, "it were safe in point of prudence." These deliberations resulted in a letter to D'Aulney, in reply to his reclamations, demanding redress for the seizure of Penobscot, and some other old matters; denying, upon what ground hardly appears, that the armament which La Tour had obtained at Boston had been fitted out "by any counsel or act of permission" on the part of the colony; but proffering, however, redress if D'Aulney could show himself to have been injured. La Tour's request for aid was not granted, but he was entertained with much attention, and at his departure was escorted to his vessel by the Boston train-bands. He was hardly gone when Madame La Tour arrived in an English vessel which she had chartered to take her to St. John's; but the captain, after great delays, trading in the St. Lawrence, had brought her, not to St. John's, but to Boston. She sued him there for damages, and, by the help of her husband's Boston creditors, recovered £2000, part of which was levied on the ship's cargo; and with the money so obtained, Madame La Tour hired three stranger vessels then in the harbor of Boston, and sailed with them for St. John's. While this affair was still pending, a messenger from D'Aulney arrived at Boston, "supposed to be a friar, but habited like a gentleman," with whom, after many mutual recriminations, an agreement was finally made for trade and peace; but this arrangement was necessarily referred for ratification to the Commissioners for the United Colonies.

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Those commissioners, at their third meeting, lately held at Hartford, taking into consideration the late proceedings in the matter of La Tour, had forbidden the fitting out of any volunteer military expeditions from any of the United Colonies without their express consent. They had recommended, also, to the colonies the drawing up of a confession of faith and scheme of church discipline, and the agreement upon some common method of supporting the ministers. They had also ordered a road to be laid out from Boston to Connecticut—thus exercising the important power of internal improvement.

Advantage had been taken of the unpopularity of Winthrop's conduct in relation to La Tour, in a movement on the part of the deputies toward the appointment of a committee of their body to share with the magistrates the management of affairs in the intervals of the General Courts. On a former occasion, the magistrates had very strenuously resisted a similar movement; and now, with the help of the elders, the point was decided in their favor.

In the same vessel that brought Madame La Tour to Boston, Roger Williams had come passenger. Not long after his arrival in England, the civil war being in full progress, a parliamentary ordinance had appointed the Earl of Warwick "governor in chief and lord high admiral of all those islands and plantations inhabited, planted, and belonging to any of his majesty's the King of England's subjects, within the bounds and upon the coast of America," to be assisted by a council composed of five peers, the Earls of Pembroke and Manchester, Viscount Say and Seal, Lords Wharton and Roberts, and twelve members of the House of Commons—among whom were Sir Henry Vane, late governor of Massachusetts, Samuel Vassall, one of the original patentees of

that colony, Hazelrig, Pym, and Cromwell. This board, CHAPTER X. a pretty close imitation of the late royal commission of which Laud had been the head, was authorized "to provide for, order, and dispose all things which they shall from time to time find most fit and advantageous to the well governing, securing, strengthening, and preserving of the said plantations, and chiefly to the preservation and advancement of the true Protestant religion among the said planters, inhabitants, and the further spreading and advancement of the gospel of Christ among those that yet remain there in great and miserable blindness and ignorance." They were also authorized to appoint at pleasure all such "subordinate governors, counselors, commanders, and officers as they shall judge to be best affected and most fit and serviceable;" but as to any particular plantations, they might, if they saw fit, depute to the inhabitants any or all of the above-granted powers. 1644

During Williams's stay in England he had published his "Key to the Language of America," containing, likewise, notices of Indian manners; also, the "Bloody Tenet of Persecution for the Cause of Conscience," one of the first English publications in favor of religious liberty, in answer to a letter of Cotton on the power of the magistrate in matters of religion. Cotton presently replied in the "Bloody Tenet washed and made white in the Blood of the Lamb." From the commissioners appointed by the Parliament to superintend the affairs of the colonies, Williams had obtained a charter, including the shores and islands of Narraganset Bay, west of Plymouth and south of Massachusetts, as far as the Pequod River and country, to be known as PROVIDENCE PLANTATIONS, with authority to the inhabitants "to rule themselves" as they shall find "most suitable." He also brought with him

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 1644. a letter of commendation from several influential mem-
 Sept. bers of Parliament, sufficient to secure him safe-conduct
 through Massachusetts. He proceeded at once to Providence, and, being met at Seekonk by fourteen canoes, and escorted home in triumph, he took steps toward organizing a government under his charter, in which, however, he encountered many difficulties. Massachusetts still claimed Shawomet; Plymouth set up a title to Aquiday, and even to Providence, as within the limits of Pocanoket—that is, of Massasoit's dominion; and Williams was peremptorily forbidden to exercise any of his “pretended authority” in either of those places.

The civil war in England had spread to the seas, and was carried by English ships across the ocean. The vessels of London, seat of the parliamentary power, furnished with privateering commissions, took every opportunity that offered to attack those of Bristol and other western ports which adhered to the king. Such an encounter had lately taken place in Boston harbor; and the captors, having exhibited a commission from Warwick, high admiral, founded on a parliamentary ordinance, were suffered to retain their prize. But when July. another London vessel shortly after attacked a ship of Dartmouth as she entered Boston harbor with a cargo of wine and salt, the magistrates interfered with an armed force, and, taking advantage of some defect in the commission of the assailing vessel, appropriated the prize as compensation for a Boston ship which had been captured on the high seas by the Royalists. Some “ma-
 Sept. 1645. lignant spirits beginning to stir and declare themselves
 March. for the king,” all such turbulent practices, either by word or action, were strictly prohibited. But a law was presently passed, assuring protection to all ships that came as friends; and officers were appointed to keep

the peace in the harbor, and to prevent fighting except CHAPTER X.
 “by authority.”

The Standing Council for Life, composed of Winthrop, 1645
 Dudley, and Endicott, still enjoyed, as commissioners for
 military affairs, the right of confirming the choice of sub-
 altern officers made by the companies. A vacancy oc-
 curring in the command of the Hingham company, the
 council wished it to be filled by the lieutenant. The
 lieutenant was, in fact, nominated by the company; but,
 before the commission had actually issued, they changed
 their minds, and substituted another person. The coun-
 cil refused to receive this second nomination, and direct-
 ed that matters should remain as they were till further
 order. This led to a warm dispute as to the temporary
 command of the company, in which Hobart, the minister
 of the town, took an active part against the lieutenant,
 who was even threatened with excommunication from the
 church, under pretense that he had made false statements
 as to what the council had directed. Informed of these
 proceedings, Winthrop caused some of the most active in
 “this sedition” to be arrested, and bound over to the next
 Court of Assistants. Others were summoned for “speak-
 ing untruths of the magistrates,” and such of them as
 refused to give bail were committed.

At the Court of Elections shortly after, the office of May.
 governor was given to Dudley, Winthrop being re-chosen
 deputy. At the General Court, which immediately fol-
 lowed, a petition was presented from the Hingham pris-
 oners and their friends, complaining of their arrest as an
 “abuse of authority,” and requesting to be heard. This
 the magistrates opposed, on the ground that the parties
 complained of were not named in the petition. Winthrop
 was thereupon specified as the culprit, and, after some
 little further resistance, a hearing was had in the meet-

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1645. ing-house at Boston, before the magistrates and deputies in joint session, "divers of the elders being present, and a great assembly of people."

Winthrop placed himself below the bar, and, having heard the charges, made his defense. Half the deputies, with Bellingham and Saltonstall, who formed a sort of opposition in the board of magistrates, thought that too much power had been exercised, and that the people's liberties were in danger. The rest of the magistrates, with the other half of the deputies, thought authority too much slighted, "which, if not remedied in time, would endanger the commonwealth, and bring on a mere democracy."

After a tumultuous hearing, a statement of facts was drawn up, not without much difficulty, by a joint committee, and the two boards then separated, to deliberate apart. The deputies, equally divided, and unable, after much debate, to come to any conclusion, sent to the magistrates to ask their opinion. They replied, without hesitation, that the petition was false and scandalous; that the parties committed were all offenders; that they and the petitioners ought to be censured, and Winthrop acquitted and righted. The deputies, thus enlightened, after much debate voted the petition false and scandalous, but they would not agree to any censure. The magistrates proposed to refer the matter to the elders; but the disposition of the elders to side with the magistrates was quite too notorious. Wearied at last by the length of the session, the deputies proposed an arbitration; the magistrates acceded, and named six elders on their part, requiring a like nomination from the deputies. Finally it was agreed to compromise matters by declaring Winthrop fully acquitted, and requiring the petitioners to pay the expenses of the session.

Sentence having been pronounced, Winthrop took his seat on the bench, and delivered a long speech, concluding as follows: "Concerning liberty, I observe a great mistake in the country about that. There is a twofold liberty, natural (I mean as our nature is now corrupt) and civil, or federal. The first is common to man with beasts and other creatures. By this, man, as he stands in relation to man simply, hath liberty to do what he lists; it is a liberty to evil as well as good. This liberty is incompatible and inconsistent with authority, and can not endure the least restraint of the most just authority. The exercise and maintaining of this liberty makes men to grow more evil, and, in time, to be worse than brute beasts, *omnes sumus licentia deteriores*—we all become worse by license. That is that great enemy of truth and peace, that wild beast, which all the laws of God are bent against, to restrain and subdue it. The other kind of liberty I call civil or federal; it may also be called moral in reference to the covenant between God and man in the moral law, and the political covenants and constitutions among men themselves. This liberty is the proper end and object of authority, and can not subsist without it, and it is a liberty to that only which is just, good, and honest. This liberty you are to stand for at the hazard not only of your goods, but of your lives, if need be. Whatsoever crosseth this is not authority, but a distemper thereof. This liberty is maintained and exercised in a way of subjection to authority; it is of the same kind of liberty wherewith Christ hath made us free. The woman's own choice makes such a man her husband; yet, being so chosen, he is her lord, and she is to be subject to him, yet in a way of liberty, not of bondage; and a true wife accounts her subjection her honor and her freedom, and would not think her con-

CHAPTER dition safe and free but in her subjection to her husband's authority. Such is the liberty of the church

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1645. under the authority of Christ, her king and her husband.

His yoke is so easy and sweet to her as a bride's ornaments; and if through frowardness and wantonness she shake it off at any time, she is in no rest in her spirit until she take it up again; and whether her lord smiles upon her, and embraceth her in his arms, or whether he frowns, or rebukes, or smites her, she apprehends the sweetness of his love in all, and is refreshed, supported, and instructed by every such dispensation of his authority over her. On the other side, ye know who they are that complain of this yoke, and say, let us break their bonds; we will not have this man to rule over us. Even so, brethren, it will be between you and your magistrates. If you stand for your natural corrupt liberties, and will do what is good in your own eyes, you will not endure the least weight of authority, but will murmur and oppose, and be always striving to shake off that yoke. But if you will be satisfied to enjoy such civil and lawful liberties as Christ allows you, then will you quietly and cheerfully submit unto that authority which is set over you, in all the administrations of it, for your good. Wherein if we fail at any time, we hope we shall be willing, by God's assistance, to hearken to good advice from any of you, or in any other way of God; so shall your liberties be preserved in upholding the honor and power of authority among you."

In spite, however, of Winthrop's eloquence and influence, there were still to be found in the colony some to whom the yoke of theocratic authority was not quite so

October. easy and sweet. At the next session of the General Court, a petition was presented from divers merchants and others, asking a reconsideration of the law against

Baptists, and a repeal of the act which prohibited the entertainment of strangers without license from a magistrate. In England, the doctrine of religious liberty had made great progress; the Independents already controlled the Parliament, and the petitioners complained that "many godly" in that country had taken great offense at these laws. A portion of the court were inclined to listen to this petition; but the elders went first to the deputies, and then to the magistrates, and representing what advantage it would give the Baptists, whose notions were fast spreading, they succeeded in obtaining a peremptory vote that the laws complained of should neither be altered nor explained.* The Commissioners for the United Colonies added their support, advising at their next meeting the suppression of the influx of error, "under a deceitful color of liberty of conscience."

But, though any thing tending to liberty of conscience was not to be allowed, a concession was made to the jealousy of the freemen; the unpopular Council for Life was deprived of its military authority, and, thus stripped of the last vestige of power, it became but a mere name.

Ever since the death of Miantonimoh, the young chief Pessacus, his brother and successor, and the rest of the Narragansets, had been in a state of great uneasiness. They had repeatedly sent presents to the colonists, requesting liberty to wage war against Uncas, whom they accused of having killed Miantonimoh, notwithstanding the acceptance of a ransom for him. This complaint had been specially investigated by the Commissioners for the United Colonies, and pronounced unfounded; for how could they fail to uphold their ally in an act done by their command and for their special benefit? They arranged a temporary truce, which having expired, the Narragansets sent war parties against Uncas. On news of these pro-

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ceedings, a special meeting was forthwith called of the Commissioners for the United Colonies, and prompt meas-

1645. ures were taken for the support of this convenient ally.

July 28. In the curious manifesto issued by the commissioners on this occasion, they acknowledge their "lord and master" to be "king of peace and righteousness," requiring them to hold forth an example not only to Europe, but to the "barbarous tribes of the wilderness." They profess, indeed, "an awful respect to divine rules," and an endeavor "to walk uprightly and inoffensively, and in the midst of many injuries and insults to exercise much patience and long suffering;" but they argue that, under existing circumstances, "God calls the colonies to war," and they order accordingly an immediate levy of three hundred men. Sergeant-major Gibbons was appointed commander-in-chief, with Standish of Plymouth, Mason of Connecticut, Seely of New Haven, and Leverett and Atherton of Massachusetts, as his council of war. Endicott was still major general of Massachusetts; Gibbons, to whom the leadership of this expedition was intrusted, was commander of the Suffolk regiment. Originally a wild companion of Morton of Merry Mount, he had joined the Boston Church, and, having property, had established himself in that town as a merchant. He was, so Captain Edward Johnson tells us, "a man of resolute spirit, bold as a lion, being wholly tutored up in New England discipline, very generous and forward to promote all military matters."

Alarmed at the preparations against him, and not placing any great reliance on that patience and long suffering, or that awful respect for divine rules of which the treatment of Miantonimoh had furnished an unpromising specimen, Pessacus listened to Williams's advice and hastened to Boston to make his peace. He could only

obtain it by promising to indemnify Uncas for the depredations committed upon him; to pay the colonists, for the cost of their late preparations, wampum equivalent to \$5000, and to give hostages for future good behavior—terms which he felt himself obliged to concede. 1645.

In terror or admiration of a power so vigorously exercised, several inferior sagamores followed the example of the chiefs of Shawomet in subscribing to the ten commandments, and acknowledging themselves the subjects of Massachusetts. Besides the petty tribes about Massachusetts Bay, this course was adopted by two sachems near "the great hill of the west, called Wachusett," and even by Passaconoway, the Merrimac sachem. It was among the smaller and nearer of these subject tribes that the devoted Eliot now first began his missionary labors.

The affairs of La Tour had at length reached a crisis. Early in the spring he had again visited Boston to solicit further aid. The courage and energy of Madame La Tour repulsed an attack which D'Aulney made during her husband's absence on the fort of St. John's; but a Boston ship, sent to St. John's with a supply of provisions, fell into D'Aulney's hands. He confiscated the vessel, and sent back the men in an old shallop, with loud complaints of breach of faith and threats of vengeance, to which the magistrates replied with equal spirit. A second attack on St. John's was more successful. The fort was taken, the garrison were hanged as rebels, and Madame La Tour died shortly after of grief and vexation. La Tour estimated his loss at £10,000, \$48,000, and he was totally ruined by it, as was Major Gibbons and some other Boston merchants, to whom his fort was mortgaged. Gibbons's claim against La Tour amounted to upward of £2000, or near \$10,000.

So far from granting any further aid, the General

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Court caused a paper to be drawn up, and presented to the Commissioners for the United Colonies, strongly rep-

1645. robatng the whole connection with La Tour, who presently went to seek aid of Sir David Kirk, governor of Newfoundland. He soon returned, however, with a small vessel lent him by Kirk, and remained during the winter a pensioner on the bounty of his Boston friends. They fitted him out in the spring with goods for trading with the Indians at the eastward; but he betrayed his trust, forced the English part of his crew on shore near Cape Sable, and ran away with the vessel and cargo; "whereby it appeared, as the Scripture saith," such is Winthrop's remark on the occasion, "that there is no confidence in an unfaithful or carnal man." The Boston sailors left on shore by La Tour wandered about in great distress, till some Indians gave them a shallop, provisions, and a pilot. La Tour, who did not lack capacity and enterprise, presently established himself as a fur trader in the distant region of Hudson's Bay.

1646. Not long after La Tour's final departure arrived another visitor no less remarkable. This was Captain Cromwell, who, ten years before, had been a common sailor in New England, but who now was commander of three fast-sailing brigantines, each of some sixty tons burden, and full of armed men. Under a sort of second-hand commission from the Earl of Warwick to make reprisals on the Spaniards, he had captured in the West Indies several richly-laden Spanish vessels. He was doubtless a freebooter, among the earliest of those so famous presently as buccaneers. A storm drove him into Plymouth, "divine Providence," according to Winthrop, "so directing for the comfort and help of that town, which was now almost deserted." These providential visitors spent freely and gave liberally to many of the poorer sort; yet,

even in the case of these formidable and liberal strangers, the Plymouth magistrates did not fail to vindicate their authority. One of Cromwell's men, inclined to be mutinous, in a struggle with his commander received a slight wound, which presently mortified and caused his death. A jury of inquest having found these facts, Cromwell consented to be tried, "so it might be by a council of war." Such a tribunal being organized, composed of some of the magistrates and military officers, Cromwell came before it and exhibited his commission, on sight of which, probably without any very critical examination of its tenor and authority, he was at once acquitted. Shortly afterward he came to Boston. "He and all his men had much money, and great store of plate and jewels of great value, yet he took up his lodging in a poor thatched house; and when he was offered the best in the town, his answer was, that in his mean estate that poor man entertained him when others would not, and therefore he would not leave him now, when he might do him good." Winthrop, lately re-elected governor, received, as a present from this magnanimous freebooter, an elegant sedan chair, captured in one of his prizes, said to have been designed as a gift from the viceroy of Mexico to his sister.

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The faithlessness of La Tour facilitated the negotiations with D'Aulney, which the Commissioners for the United Colonies had taken in hand. They offered to send an ambassador to treat at Penobscot; but D'Aulney satisfied with the compliment, preferred to send agents to Boston. These agents having arrived in a pinnace on the Lord's day, just as the people were going to afternoon's service, Sergeant-major Gibbons sent two of his chief officers to meet them at the water side, and to conduct them without noise to their lodgings. The public

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worship being ended, the governor sent Gibbons and others with a guard of musketeers to attend the em-
1646. bassadors to his house. He met them without the door, carried them in, entertained them with wine and sweetmeats, and then reconducted them to their lodgings. The Commissioners for the United Colonies were called together, and, after a keen negotiation and large claims for damages on both sides, it was finally agreed to overlook the past, and be friends for the future. "The Lord's day they were here," says Winthrop, "the governor acquainted them with our manner, that all men either come to our public meetings or keep themselves quiet in their houses; and, finding the place where they were not convenient for them for that day, invited them to his own house, where they continued private until sunset, and made use of such Latin and French books as they had, with the liberty of a private walk in his garden, and so gave no offense."

Notwithstanding this treaty, which was sealed by presenting to D'Aulney the sedan chair which Captain Cromwell had given to Winthrop, this popish French neighbor still remained an object of much suspicion to New England; nor was it long before he seized and confiscated several Boston vessels for trading with the Indians within the French limits.

While the negotiation with D'Aulney's messengers was still going on, a very unwelcome visitor made his appearance at Boston in the person of Randall Holden, one of Gorton's companions in his recent visit to England. Holden brought letters of safe-conduct from the Parliamentary Commissioners for Plantations; also a copy of the complaint against the Massachusetts magistrates which Gorton had lodged with that board, and an order thereupon that Gorton's people should be allowed quiet

possession of their lands at Shawomet, with an intima- CHAPTER
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tion, however, that this decision was not final, and that
an answer was expected to Gorton's allegations. 1646

Notwithstanding Holden's letters of safe-conduct, it was only after a long consultation with the elders that the unwilling magistrates would allow him to land. The papers which he brought raised a most important question, that of the relation in which the colony stood to the mother country—a point as to which the Massachusetts theocracy was no more inclined to concede to the Parliamentary Commissioners than formerly to the royal commission headed by Laud. The General Court having met in special session, the elders were called in to advise. Nov It was agreed that allegiance was due to England; also a tenth part of all gold and silver ore; but entire independence in the management of local affairs was claimed under the charter, and complete freedom from any interference by appeals or other interruptions. It was judged wisest, however, not to put forward these pretensions too strongly, but to intrust the matter to the good discretion of Edward Winslow, of Plymouth, who had been several times to England on business of that colony, and who, as being well known to several influential members of Parliament, was now selected to go out as agent for Massachusetts. He was "to discern the mind of the Parliament," and, if the opportunity seemed favorable, was to avail himself of it to procure such countenance of the colony's proceedings as would put a stop to all complaints for the future. But Massachusetts was as poor as she was proud and haughty; her treasury at this important crisis was entirely empty both of money and beaver; nor was it without difficulty that £100 were borrowed for Winslow's outfit.

This matter disposed of, the court took up a petition

CHAPTER presented at a former session, signed by seven citizens
X. of Boston, among others, by our old acquaintance Mav-
1646. erick. In the name of themselves and many more, the
petitioners prayed for the rights of English subjects, with
complaints of the exclusion, under the existing system,
of all but church members from civil and ecclesiastical
privileges. Though sufficiently moderate in its tenor,
this petition had given great offense "to many godly,
both elders and others." The zealous Johnson denounces
those who signed it as "of a very linsiewolsie disposition,
some for Prelacy, some for Presbytery, and some for
Plebsbytery." Several replies to it were now presented
to the court, which, by order of that body, were summed
up into one; not, indeed, by way of answer, because
the petition was adjudged a contempt, and therefore not
worthy of an answer, but as a declaration of the court's
opinion touching this audacious assault upon theocratic
authority. Child, a young physician recently from
London, whose name stood at the head of the signers,
being summoned before the General Court, alleged, on
behalf of himself and the others, that it was no crime to
petition. He was told in reply that it was not for pe-
titioning they were questioned, but for the "miscar-
riages" which their petition contained, specified on the
spot to the number of twelve, of which the principal
were, calling the existing government an "ill-compacted
vessel," ascribing the misfortunes of the colony to its
bad government, intimating that many persons were dis-
contented, charging the government with tyranny, and
claiming a right of appeal to England. To these speci-
fications the petitioners returned elaborate answers in
writing, to which the court rejoined extempore, to the
entire satisfaction of an assembled multitude of church
members, whose exclusive right to political authority
the petitioners had presumed to question.

Thus beaten in argument, Child and his associates were fined from £10 to £50, \$50 to \$250 each, and were exhorted to be quiet, to study to mind their own business, and to recollect the sin of Korah in resisting Moses and Aaron. On promise of the remission of their fines "if they would ingenuously acknowledge their miscarriage," some of the petitioners, of whom Maverick was one, submitted; the others appealed to Parliament, and tendered their appeal in writing; but the court refused to accept, or even to hear it read. The majority was decisive in favor of this denial of appeal. Three, however, of the magistrates, Bellingham, Saltonstall, and Bradstreet, with two of the deputies, desired to be entered "contradicentes in all these proceedings."

A similar effort in behalf of religious liberty had been made in Plymouth colony about the same time by Vassall and others. One of the magistrates had made a proposal for general toleration, and two others had supported him. "You would have admired," wrote Winslow to Winthrop, "to see how sweet this carrion relished in the palate of most of the deputies." But Governor Bradford, sustained by a majority of the magistrates, refused to put it to the vote, "as being that, indeed, which would eat out the power of godliness."

While Child hastened to get ready to go to England in a ship about to sail, he and his friends bestirred themselves to get up a petition from the non-freemen, setting forth their grievances, and praying the parliamentary commissioners for relief. This was esteemed by the majority of the magistrates a new and still more serious offense; and, without admitting the three dissenting assistants to their council, lest some hint of their intention might go abroad, an order was issued to arrest Child just as he was about to embark, and to search his trunk, and

CHAPTER also the study of Dand, another of the petitioners. Noth-
 X. ing was found in Child's trunk, but in Dand's study were
 1646. seized, in the hands of Smith, another of the petitioners, copies of two memorials addressed to the Parliamentary Commissioners for Plantations; the one from Child and his associates, setting forth their case, the other from some non-freemen, "pretending," as Winthrop tells us, "to be in the name and upon the sighs and tears of many thousands," praying for liberty of conscience and the appointment of a parliamentary governor. Only twenty-five persons had dared to set their names to this petition, and these either "young men who came over servants, and never had any show of religion in them," or "fishermen of Marblehead, profane persons," or "men of no reason," like a barber of Boston, who apologized for signing that he did it to please the gentlemen his customers. How dangerous a thing it was to meddle with such a petition was sufficiently evinced by the case of one Joy, "a young fellow, a carpenter," who had been very busy in procuring signers, and who even presumed to question the constable who searched Dand's study whether his warrant were in the king's name. This audacious young carpenter was kept in irons till "he humbled himself, confessed what he knew, blamed himself for meddling in matters belonging not to him, and blessed God for these irons upon his legs, hoping they would do him good while he lived. So he was let out upon reasonable bail."

The offense of Dand and Smith, in whose custody the petitions had been found, was still more serious. It was held, indeed, under the fundamental laws, to be "in nature capital," being no less than treason against the Commonwealth, and bail was refused. Child, indignant at his arrest, "gave big words," but was soon silenced by

threats of irons and the common prison. He was kept in custody till the ship was gone, and was then bound over for his appearance at court. CHAPTER
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At the next Court of Elections an attempt was made to displace Winthrop, and to secure the choice of some new magistrates. But as the right of voting was confined to church members, comparatively few of the discontented possessed that franchise, and Winthrop was re-elected by a majority of two or three hundred. At the General Court immediately following, Child and the others were very heavily fined. Unable to pay his fine of £200, \$960, Dand was kept in prison more than a year, and was only discharged at last upon a humble submission.

In spite of these high-handed proceedings, the obnoxious petition had gone forward by the very ship that carried the agent Winslow, intrusted to the care of Vassall, of Scituate, with whom the magistrates of Massachusetts hesitated to meddle, not only because he belonged to Plymouth colony, but for the more powerful reason that his brother was an influential member of Parliament. Yet he did not wholly escape animadversion. Just before the vessel sailed, Cotton, in his sermon at the Thursday lecture, advised the passengers, if a storm arose, to throw Vassall's trunk overboard, as containing the Jonah that would certainly sink them. A storm did arise, and, to appease the superstitious fears of some of the company, a package was thrown overboard containing copies of the obnoxious papers; but Vassall took care to preserve the originals. This occurrence is alluded to in the title of a pamphlet, "New England's Jonas cast up at London," presently published by Child's brother, a major in the parliamentary army, containing a copy of the original petition to the Massachusetts Gen-

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 eral Court, and an account of the proceedings upon it.
 1647. Winslow, the Massachusetts agent, published, in answer, "New England's Salamander discovered," alluding to Vassall, a man, it was said, "never at rest but when in the fire of contention." Yet the fire of New England proved too hot for him. His leaning toward episcopacy, or, at least, toward toleration, had made him obnoxious even in Plymouth colony; and, though his family remained there, he never returned. By the aid of Vane, who acted a magnanimous part toward his old opponents, and the friendly assistance of others of "the godly," Winslow—almost the only colonial agent of Massachusetts ever able to give satisfaction to his constituents—succeeded so well with the Parliamentary Commissioners that they wrote to the magistrates of Massachusetts, disavowing any intention to interfere with their jurisdiction, or to encourage appeals from their "justice," but requiring for the Gortonists peaceful possession of their lands till the claim of right could be decided. Similar letters were sent to Connecticut and Plymouth. No notice appears to have been taken of the appeal of Child, nor of the petition of the non-freemen. Child himself having got into a dispute on the London Exchange with a New England man, whom he struck in his passion, was obliged to apologize before all the merchants, and to give it under his hand "never to speak evil of New England men," nor to occasion any further trouble; "and besides," adds Winthrop, "God had so blasted his estate as he was quite broken." Such was the result of the first struggle in Massachusetts for equal political rights, an enterprise not to be again attempted for many years, nor finally to be accomplished without royal aid.

Yet liberty was not without one abiding spot in New England. In spite of the opposition of Massachusetts

and Plymouth, Roger Williams and his associates had at length succeeded, though not without much difficulty and delay, in uniting and organizing the Narraganset settlements under the charter which he had obtained. The new government consisted of a president, four assistants, and an assembly; one assistant and six assembly men for each of the four towns; for, besides Providence and the two towns of Portsmouth and Newport, on the Island of Aquiday, the new commonwealth included also the settlement of Shawomet, where the Gortonists had partially re-established themselves. The government was declared to be "democratical;" all laws enacted by the Assembly must be sent to the towns, and approved by a majority of them. Freedom of faith and worship was assured to all—the first formal and legal establishment of religious liberty ever promulgated, whether in America or Europe. A body of laws was enacted, and afterward approved by the towns—the basis of the existing code of Rhode Island. The assistants acted as the supreme court of law; for smaller cases, there were town councils, each composed of six persons. One hundred pounds were voted to Williams for his pains in obtaining the charter.

Gorton himself presently arrived at Boston with a letter of safe-conduct from the Earl of Warwick. It was only, however, by a bare majority that the magistrates allowed him a week's stay, and a safe passage through their territories to Shawomet, which he now named *Warwick*, in honor of his protector. During Gorton's residence in England he had published an account of the proceedings against him, entitled "Simplicity's Defense against Seven-headed Policy," to which Winslow replied in "Hypocrisy Unmasked." There were even strong hopes that Winslow would be able to procure the recall of Williams's charter, on the ground that the territory

CHAPTER
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1647.

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 1648. belonged either to Plymouth or Connecticut—hopes encouraged by some lack of harmony in the newly-constituted province. The Baptists at Newport and the adherents of Coddington did not agree. Coddington refused to accept the office of governor, to which he was chosen at the second general election. He wrote to Winthrop, May 16. complaining of Gorton, and, a few months after, applied Sept. on behalf of the “major part of the island,” as he alleged, for the reception of Aquiday into the New England Union. But this was refused, unless they would submit to the jurisdiction of Plymouth. It was, indeed, upon the ground of an alleged deputation to her of the rights of Plymouth and Connecticut that Massachusetts justified her late proceedings against the Gortonists.

Winslow was more honorably employed in promoting in England the formation of a society for the propagation of the Gospel among the Indians. This society presently received a parliamentary charter, and, in spite of much opposition, succeeded in collecting a considerable amount of funds. With all the energy of an iron constitution, and the zeal of a heart benevolent and devout, performing all the time his regular duties as minister of Roxbury, Eliot had continued his missionary labors. Having acquired the Indian language, he gave a regular Indian lecture alternately at Nonantum and Neponset, the one in the western limits of Watertown, the other on the southern border of Dorchester. “He would persuade one of the other elders or some magistrate to begin the exercise with a prayer in English; then he preached in Indian about an hour, catechizing the children, who were soon brought to answer some short questions, whereupon he gave each of them an apple or a cake. Then he demanded of some of the chiefs if they understood him,” and inquired if they had any questions to

ask. These Indian proselytes soon grew very inquisi- CHAPTER
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 tive after knowledge "both in things divine and also _____
 human," and put many questions, some of which their 1648.
 teacher was not a little puzzled to answer. On the
 whole, however, the system of religion which he pro-
 pounded seems to have struck the Indians, such of them,
 at least, as took an interest in the subject, as sufficiently
 reasonable. Their questions being answered, Eliot con-
 cluded with a prayer in the Indian language. "The
 Indians were usually very attentive, and kept their chil-
 dren so quiet as caused no disturbance. Some of them
 began to be seriously affected, and to understand the
 things of God, and they were generally ready to reform
 whatsoever they were told to be against the word of
 God, as their sorcery, which they call pow-wowing, their
 whoredoms, idleness, &c." Such is Winthrop's account
 of these early missionary labors.

Under a commission from Massachusetts, John Win-
 throp the younger, a man of very active spirit, constantly
 engaged in new enterprises, had commenced a settlement 1646.
 at Pequod harbor, where he claimed a large tract on the
 strength of an alleged verbal gift from an Indian chief
 before the commencement of the Pequod war—a title,
 however, which the Commissioners of the United Col-
 onies were hardly willing to recognize. The colony of
 Connecticut claimed the banks of Pequod River, not
 only as conquered by that colony from the Pequods,
 but as included under their conveyance from Fenwick.
 The Commissioners of the United Colonies, before whom
 the question was carried, assigned the settlement at Pe-
 quod to Connecticut. It afterward received the name 1658.
 of *New London*, Pequod River being called the Thames.
 But the claim of title by conquest set up by Massachu-
 setts was not entirely disallowed. The territory from

CHAPTER the Mystic River to the country of the Narragansets,
 X. a quite considerable part of the present State of Rhode
 1647. Island, was assigned as her share of the spoil.

It had been part of the consideration to Fenwick that for ten years an impost should be levied, for his benefit, of twopence per bushel on corn, and a penny a pound on all beaver passing Fort Saybrook. The people of Springfield presently resisted payment of this impost, denying the right of Connecticut to levy taxes on the inhabitants of another colony. But on appeal to the Commissioners of the United Colonies, the impost was sustained, on the ground that Connecticut had a right to levy it for the support of the fort. The General Court of Massachusetts, taking sides with Springfield, drew up a remonstrance against this decision, and took the same occasion, also, to intimate their dissatisfaction with some other proceedings of the commissioners—indeed, with the whole terms of the union, which imposed upon them half
 1648. the burden, while it gave them only a quarter of the power. This remonstrance, which was duly answered by Connecticut, not producing the desired effect, Massa-
 1649. chusetts imposed upon all goods belonging to any inhabitants of the three other colonies which might enter Boston harbor, a tax or duty, nominally for the support of the forts, but really as a retaliation for the decision
 1650. against her. The commissioners, at their next meeting, strongly protested against this act, and a state of ill feeling began to spring up, which came near producing, a year or two after, the dissolution of the New England Union.

The Commissioners for the United Colonies, at one of their earliest meetings, had recommended the drawing up of a common confession of faith, and a common scheme
 1646. of discipline for the New England churches. The Massa-
 May. chusetts General Court had subsequently proposed a

synod for that purpose, but the assembly of that body had been delayed by several obstacles. The Boston Church, still infected with some tinges of Hutchinsonianism, and fearful of new stretches of ecclesiastical authority, in spite of the strenuous efforts of Winthrop, Cotton, and Wilson, refused to choose delegates. "So the elders sat down much grieved in spirit, yet told the congregation that they thought it their duty to go notwithstanding, not as sent by the church, but as specially called by the order of the court." The synod being met, Norton of Ipswich, one of the ablest of the elders, on a lecture day at Boston, labored hard to induce that church to appoint delegates. He took for his text Moses and Aaron meeting on the mount and kissing each other, as typical of the relations between church and state; and he laid down the nature and power of the synod as only "consultative, decisive, and declarative, not coactive" or compulsory. With much ado, delegates from Boston were at last chosen; but as none had arrived from the other colonies, the session was adjourned. This synod reassembled the next year, but was dispersed by an epidemic influenza, the first instance of that disorder of which we find mention. It spread far and wide, affecting alike the Indians, the French, the English, and the Dutch, and proving fatal in many cases, especially those in which bleeding and depletion were employed. The synod finally convened at Cambridge, and was opened with a sermon, containing "a clear discovery and refutation of such errors, objections, and scruples as had been raised about it by some young heads." In the midst of this sermon there came a snake into the seat where many of the elders sat. Divers shifted from it, but Mr. Thompson of Braintree, "a man of much faith," trod upon its head, and so held it with foot and staff till it

CHAPTER
X.

1646.

Sept.

1647.

June.

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August.

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 1648. was killed. "This being so remarkable," says Winthrop, "and nothing falling out but by divine Providence, it is out of doubt the Lord discovered somewhat of his mind in it. The serpent is the devil, the synod the representative of the churches of Christ in New England. The devil had formerly and lately attempted their disturbance and dissolution, but their faith in the seed of the woman overcame him, and crushed his head."

Introduced with this favorable omen, the synod "went on comfortably," and proceeded to frame a confession of faith, almost identical, except as to the matter of church government, with that of the famous Westminster Assembly, which closed its sessions about this time. That assembly declared for Presbyterianism, claiming for the church under "King Jesus" a divine authority independent of the state. The New England Platform recognized, on the other hand, the intimate union of state and church, giving, indeed, a full and formal sanction to that theocratic system, of which the origin and organization have been already pointed out. The Westminster Assembly would probably have had no objection to the same system, could they have limited political power, as in New England, to church members only. By neither system was any individual freedom of opinion allowed. The churches and their members were alike subjected in both to the iron will of a majority, assuming to itself all the pretended infallibility of a pope or a General Council, the only difference being that Presbyterianism established a regular gradation of church courts, in which the clergy predominated, while the occasional councils and synods of the Congregational system, as it was called, gave a nominal equality to the lay church members.

Winthrop did but just live to see thus solemnly sanc-

tioned that theocratic system, the establishment of which he had so much at heart. He died poor, in his tenth term of office as governor, leaving a fourth wife, whom he had recently married, and an infant son, to whom the General Court voted unanimously £200, near \$1000—a generous gift, considering the poverty of the colony. He left, also, a journal, commencing with his departure from home—an invaluable document, our chief authority thus far for the history of New England.

CHAPTER
X.

1649.

March.

Endicott, chosen to the vacant office of governor, signaled his entrance upon it by joining with several of the magistrates in an association against wearing long hair. Winthrop, during his life, had displayed not less zeal against the profane custom of drinking healths. Gibbons was chosen major general in Endicott's place.

May.

Dudley, now very old, was once more chosen governor. He died two years after, leaving, by a second wife, a family of young children, one of whom subsequently played a conspicuous part in the history of Massachusetts. Hard and stern, with none of Winthrop's plausible suavity, some verses found in his pocket after his death express, however, Winthrop's opinions and principles no less than his own :

1650.

“ Let men of God, in courts and churches watch
O'er such as do a toleration hatch,
Lest that ill egg bring forth a cocatrice,
To poison all with heresy and vice.
If men be left, and otherwise combine,
My epitaph's—' I died no libertine ! ' ”

The same horror of toleration, an inherent and essential characteristic of every theocracy, is very energetically displayed in the enthusiastic pages of Captain Edward Johnson's “ Wonder-working Providence of Zion's Savior in New England,” finished about this time, and pres-

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X.

ently printed in London—the first published history of the planting of Massachusetts. Adorned with rhymed apostrophes to the principal personages mentioned in it, this history is composed in a very rhapsodical style, and in a tone of confident and self-complacent laudation, a little too much imitated by some subsequent New England historians. It throws, however, a good deal of light on the material as well as the spiritual condition of the colony. “The Lord had been pleased,” the captain tells us, “to turn all the wigwams, huts, and hovels the English dwelt in at their first coming, into orderly, fair, and well-built houses, well furnished, many of them, with orchards filled with goodly fruit trees and garden flowers.” There were estimated to be, in gardens and orchards, about one thousand acres, and fifteen thousand acres in tillage. The cattle were reckoned at twelve thousand, and the sheep at three thousand. Many laboring men, who had not enough to bring them over, were now “worth scores, and some, hundreds of pounds.” Many had feared that Massachusetts “would be no place of continued habitation for want of a staple commodity; but in a very short time every thing in the country proved a staple commodity, wheat, rye, oats, pease, barley, beef, pork, fish, butter, cheese, timber, masts, tar, soap, plank, boards, frames of houses, clapboards, and pipe-staves; and those who were formerly forced to fetch most of the bread they ate and the beer they drank a thousand leagues by sea, are, through the blessing of the Lord, so increased, that they have not only fed their elder sisters, Virginia, Barbadoes, and the Summer Islands, that were preferred before her for fruitfulness, but also the grandmother of us all, even the fertile isle of Great Britain, besides Portugal, that hath had many a mouthful of bread and fish from us in exchange for their Madeira liquors, and also Spain.”

“ Good white and wheaten bread is no dainty, but every ordinary man hath his choice, if gay clothing and a liquorish tooth after sack, sugar, and plums lick not away his bread too fast, all which are but ordinary among those that were not able to bring their own persons over at their first coming. There are not many towns in the country but the poorest person in them hath a house and land of his own, and bread of his own growing, if not some cattle. Flesh is now no rare food, beef, pork, and mutton being frequent in many houses, so that this poor wilderness hath not only equalized England in food, but goes beyond it in some places for the great plenty of wine and sugar which is ordinarily used, and apples, pears, and quince tarts instead of their former pumpkin pies. Poultry they have plenty.” The use of wine, freely imported from Madeira, seems, indeed, to have gradually superseded that habit of beer-drinking which the colonists had brought with them from England. Johnson enumerates not less than thirty-two trades carried on in the colony—among the most successful, those of coopers, tanners, and shoemakers; “it being naturalized” to these two latter occupations “to have a higher reach in managing their manufactures than other men in New England.” Already shoes were manufactured for exportation.

“Many a fair ship had her framing and finishing here, besides lesser vessels, barques and ketches; many a master, besides common seamen, had their first learning in this colony. Our maritime towns, Ipswich, Salem, and Boston, begin to increase roundly, especially Boston; the which, of a poor country village, in twice seven years is become like unto a small city.” “The form of this town is like a heart, naturally situated for fortifications, having two hills on the frontice part next the sea, the one well fortified on the superficies with store of great artil-

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lery, the other having on its descent a very strong battery, built of whole timber and filled with earth; betwixt which two strong arms lies a large cove or bay, on which the chiefest part of the town is built, overtopped with a third hill, furnished with a beacon and loud babbling guns, to give notice, by their redoubled echo, to all their sister towns. The chief edifice of this city-like town is crowded on the sea banks, and wharfed out with great industry and cost; the buildings, beautiful and large, some fairly set out with brick, tile, stone, and slate, and orderly placed, with comely streets, whose continual enlargement presageth some sumptuous city."

Besides the fort and battery in Boston, and another in Charlestown commanding the inner harbor, was the Castle, on an island of eight acres, three miles below the town, in the track of vessels approaching from the sea, very advantageously situated "to make many shots at such ships as shall offer to enter the harbor without their good leave and liking." As there was no lime in the colony except that made of sea-shells, this fortress, built at first of earth, had fallen to ruins, but had lately been rebuilt by a contribution of the six neighboring towns, and was now held by a small garrison in the colony pay. "The forts are well contrived," says Johnson, "and batteries strong and in good repair, the great artillery well mounted and cleanly kept, half cannon, culverins, and sackers," twenty-four, eighteen, and six pounders, "and also field-pieces of brass, very ready for service."

"Good store of shipping is here yearly built, and some very fair ones. This town is the very mart of the land; French, Portugals, and Dutch come hither for traffic." The "popularity" of the town had become so great that the inhabitants were too many to meet in one assembly, and the northeast part being separated from the other

“ by a narrow stream cut through a neck of land by industry, whereby that part is become an island,” it was thought meet that the inhabitants there should gather into church body and build a meeting-house, which was accordingly done, but no one as yet was called to office as pastor. This second church in Boston was the thirtieth in the colony.

The militia, consisting of twenty-six companies of foot, besides a “ very gallant horse troop,” was drilled to the use of arms eight days in the year. “ None are exempt,” says our gallant captain, “ except a few timorous persons, that are apt to plead infirmity if the church choose them not as deacons, or they can not get to serve some magistrate or minister ; but assuredly the generality of this people are very forward for feats of war, and many, to further this work, have spent their time and estates.” Each soldier was required to keep constantly by him “ powder, bullets, and match.” Besides the town magazines of powder and military stores, there was also a general magazine for the colony, all under the charge of an inspector, who had a sharp eye to keep them well supplied. “ There are none chosen to office in any of these bands, but such as are freemen, supposed to be men endued with faith in Christ Jesus ;” whereupon our captain adds this weighty caution : “ Let all people know that desire the downfall of New England, they are not to war against a people only exercised in feats of arms, but men, also, who are experienced in the deliverances of the Lord from the mouth of the lion and the paw of the bear. And now woe be to you ; when the same God that directed the stone to the forehead of the Philistine guides every bullet that is shot at you, it matters not for the whole rabble of anti-Christ on your side, the God of armies is for us, a refuge high ; Selah !”

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1650. Quite a number of these formidable soldiers offered their services to the "godly Parliament." Besides Captain Cook, already mentioned, who obtained a colonel's commission, Stoughton, the commander of the Massachusetts forces in the Pequod war, became lieutenant colonel, and Bourne, a Boston ship-carpenter, a major in Rainsborow's regiment. 1644. Leverett, son of the ruling elder of the Boston Church, obtained the command of a company of foot. Hudson, his ensign, was also a Massachusetts man. Liol, another of these adventurers, became surgeon to the Earl of Manchester's life guard. "These did good service," Winthrop tells us, "and were well approved; but Mr. Stoughton falling sick and dying at Lincoln, the rest all returned to their wives and families."

CHAPTER XI.

VIRGINIA AND MARYLAND DURING THE ENGLISH CIVIL
WARS AND THE COMMONWEALTH.

THE meeting of the Long Parliament was a subject of rejoicing as well in Virginia as in Massachusetts. CHAPTER
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 Shortly after its assembly, in an address to their constituents, the burgesses refer to the “happy Parliament in England” as affording opportunity for establishing their “liberties and privileges,” and for “preventing the future designs of monopolizers, contractors, and pre-emptors, ever hitherto incessant.” 1641.

The old Virginia Company applied to the Long Parliament for the restoration of their charter, but this application found no favor in Virginia. The assembly declared, “that, having fully debated and maturely considered the reasons on both sides, and looking back to the times under the company, and also upon the present state of the colony under his majesty’s government, they find the late company in their government intolerable, and the present comparatively happy.” This protest wound up in the form of an act, with a clause imposing a severe penalty on all who should aid or abet the reduction of the colony to any company or corporation. It was sent to the king, who returned a very gracious answer, dated at York, whither he had already retired, to raise his standard against the rebellious Parliament. 1642.
April 1.
July 18.

Shortly after the breaking out of the civil war in England, the Virginia code underwent a second revision. 1643.

CHAPTER XI
 1643. Most of the former laws were continued, but with some modifications and additions, derived from acts passed by the intermediate assemblies. The new code provided for parish vestries, to consist of the minister, two churchwardens, and the "most sufficient and selected men of the parish;" the vestrymen to be chosen annually by the major part of the parishioners. They are empowered to levy assessments for church repairs and parish expenses, and required annually, in presence of the commanders of settlements and the commissioners of the monthly courts, to give an account of their collections and disbursements. The ministers, to be recommended by the vestries and admitted by the governor, are made subject to suspension by the governor and council, and removal by the assembly. All ministers are to use the Liturgy, and to conform to the Church of England; the governor and council to compel non-conformists "to depart the colony with all conveniency." No popish recusant is to hold any office; and all popish priests are to be sent out of the colony within five days after their arrival. Traveling and shooting on the Sabbath are made punishable by fines.

Besides the parish and ministerial taxes, there was another poll tax known as the "colony levy," imposed annually by the Assembly for the payment of colonial expenses. From this tax the vestries are empowered to excuse, on certificates of poverty. Conveyances of land are required to be registered; tenants dispossessed by a superior title are to be allowed compensation for improvements—a very decided advance on the English law, adopted at present in many of the States. Every planter is required to fence in his crops at his own peril—thus settling a question which had made a political revolution in Massachusetts, and establishing a rule which,

by statute or usage, still pervades all the Southern States. The killing of tame hogs is made felony; nor could wild hogs be killed without a license. Hunting over other people's cultivated lands is forbidden. Servants without indentures, if of age, are to serve four years; if under twenty, five years; if under twelve, seven years. Servitude, as a punishment, is abolished. To deal with runaway servants, or any servants, without consent of their masters, is made a criminal offense. Penalties are imposed on servants marrying without leave of their masters, running away, or carrying powder and shot to the Indians. Any freeman who sells powder and shot to the Indians is to forfeit all his estate. He who trades with them in other commodities without license is to be imprisoned at the discretion of the governor and council. Arms lent to Indians may be taken away by any person, and the lender is subject to a fine.

The monthly courts are changed into county courts, to be held six times a year in each county, by commissioners appointed by the Assembly; each commissioner being also authorized to sit alone to decide petty controversies. From the county courts, which possessed a comprehensive jurisdiction in all cases, both in law and equity, an appeal lay to the quarter courts, composed of the governor and council, and thence to the Assembly—a judicial system closely resembling that of New England. Juries were to be allowed, where parties desired it, “if the case were fit for a jury.” The fees of attorneys in county courts are limited to twenty pounds of tobacco in each case, and twice as much at quarter courts. Two years after, the Massachusetts practice was adopted, and all “mercenary attorneys” were prohibited. If the court perceived that either party, by his weakness, was like to lose his cause, they were themselves “to open the case,”

CHAPTER or to appoint "some fit man out of the people" to do it,
 XI. to whom a reasonable compensation was to be allowed.

1643. The extortionate fees of physicians had become a subject of complaint. By an act, omitted in this revision, but presently revived, they might be compelled to state the cost of their medicines under oath. All suits for debts contracted out of the colony, except for goods imported, are indefinitely postponed. Goods taken on execution are to be appraised and delivered to the creditor. Prisons are to be provided at the expense of the counties.

It had formerly been enacted that all accounts and judgments should be in money and not in tobacco. But the deficiency of coin had caused this policy to be changed, and, by the present code, money debts were not recoverable. Some six years afterward a scheme was enacted for introducing a currency of copper, upon which an artificial value was to be fixed, the coins to be redeemed by the colony at their nominal value if ever called in. But that scheme, which much resembles the paper money system afterward introduced, does not appear to have been carried into effect. The trade of Virginia was a good deal in the hands of the Dutch, and provision is made for the encouragement of Dutch trading vessels. Attempts to diversify the industry of the colony were not yet abandoned; premiums are offered to producers of potashes, soap, salt, flax, hemp, and cotton.

The last clause of the code, after mentioning the withdrawal, "through the unkind differences now in England," of the former royal allowance to the governor, assures to him for the year, by way of salary, two shillings for every tithable in the colony, payable in Indian corn, wheat, malt, beef, pork, butter, cheese, geese, turkeys, good hens, and pigs, at prices named in the act,

and not materially different from those now current in the New York market. CHAPTER
XI.

It would appear that each county, as yet, possessed the right of sending as many burgesses to the Assembly as it chose. Special delegates seem also to have been sent by some, if not by all the parishes. But a year or two after the counties were limited to four burgesses each, their expenses to be paid by those who sent them; and this number was subsequently reduced to two. The burgesses had been voted for hitherto by subscribing a paper, at the head of which was the name of the favored candidate. But, by a law presently enacted, voters were required to come personally to the place named by the sheriff, and give in their votes *viva voce*—an imitation of the English parliamentary elections still kept up in Virginia.

The Parliamentary Commissioners for Plantations, to induce the Virginians to acknowledge their authority, offered them the choice of their own governor, and the same freedom from imposts granted to New England. But Governor Berkeley, a stanch Royalist, persuaded a majority of the counselors to take an oath to adhere to the king. Yet the Londoners, though chief supporters of the Parliament, were assured, by a special act of Assembly, that it was not intended to break off trade with them.

The Virginians generally were loyal Episcopalians; yet there were some Puritans among them. Philip Bennet had visited Boston a year or two before, with letters from many "well-disposed people of the upper new farms," bewailing their destitute condition, and earnestly entreating a supply of faithful ministers, "whom, upon experience of their gifts and godliness, they might call to office." These letters were publicly read in Boston on

1643.

1645.

1646.

1644.
Jan.

1642.

CHAPTER a lecture day. The elders met, and, having "set apart
 XI. a day to seek God on it," by consent of the General

1642. Court, they selected three ministers to proceed to Vir-
 Oct. ginia. Two actually went, with a third from New Ha-
 ven, carrying letters of commendation from the Massa-
 chusetts magistrates addressed to Berkeley and his coun-
 cil. They found "very loving and liberal entertain-
 ment;" but as they refused to use the Liturgy, they were
 soon silenced. They preached a while in private houses,
 "the people's hearts being much influenced with desire
 after the ordinances;" but Berkeley soon availed himself
 of the law above quoted to send them out of the colony.

The Virginians, however, did not go unpunished "for
 their reviling the Gospel and those faithful ministers;"
 at least such was the opinion of Winthrop, who seems
 to have rated both the religion and the morals of the
 southern colony at a rather low estimate. After a
 peace of five or six years, the Indians, provoked by con-
 tinued encroachments on their lands, and instigated,
 it is said, by the aged chief Opechancanough, formed
 a new scheme for the extermination of the colonists.
 They were encouraged by signs of discord among the
 English, having seen a fight in James River between a
 London ship for the Parliament and a Bristol ship for
 the king. Five hundred persons perished in the first
 surprise, which took place, according to Winthrop, the
 1644. day before Good Friday, appointed by the governor, "a
 April 9. courtier, and very malignant toward the way of our
 churches," to be observed as a fast for the good success of
 the king. For defense, the planters were concentrated in
 a few settlements; a monthly fast was ordained by the
 Assembly; every fifteen tithables were obliged to furnish
 one soldier; forts were built at the points most exposed;
 and a ship was sent to Boston for powder, which, how-

ever, the General Court declined to furnish. This occasion was taken by "divers godly-disposed persons" of Virginia to remove to New England. Among the principal of these emigrants was Daniel Gookin, a gentleman of much merit, for many years a magistrate, superintendent of the subject Indians of Massachusetts, and finally major general. In Virginia a fierce struggle ensued with the Indians, of the details of which we know little or nothing. It was much shorter, however, than the former Indian war. The Indians were presently driven from their fastnesses. Opechancanough, decrepit and incapable of moving without assistance, described by a cotemporary writer as "that bloody monster upon a hundred years old," was taken prisoner and carried to Jamestown, where he was shot in the back by a vindictive soldier appointed to guard him. The Indian towns were broken up, and their "clear land possessed by the English to sow wheat in." Opechancanough's successor submitted; and a peace was made by act of Assembly, the Indians ceding all the lands between James and York Rivers. No Indian was to come south of York River under pain of death. The Powhatan confederacy was dissolved. The Indians of lower Virginia sunk into servile dependence, and dwindled away, or, migrating to the south and west, were mingled and confounded with other tribes. To meet the expenses of this war, it became necessary to levy taxes on land and stock; but, after the peace, the old, unequal system of taxation by the poll was revived. Forts had been erected during the war at the heads of rivers, which certain individuals, in consideration of grants of adjoining lands, undertook, after the peace, to maintain at their own expense.

The fourth Assembly of Maryland passed laws to prohibit the exportation of corn, and enforcing its cultivation.

1644.
1646.
1640.
Oct.

- CHAPTER XI. tion; also an act "touching tobaccoes"—the foundation
 of the Maryland inspection system. The fifth Assembly
 1641. made it "felony of death"—commutable, however, at
 Aug. the governor's pleasure, into servitude for a term not ex-
 ceeding seven years—"for any apprentice-servant to de-
 part away secretly from his or her master, with intent
 to convey himself out of the province;" and the same
 penalty was extended to "any other person that should
 willfully accompany such servant on such unlawful de-
 parture;" but "receiving a runaway servant" was not
 to "include felony nor misprision of felony." This harsh
 1642. law was re-enacted the next year, more, it may be
 March. hoped, by way of terror than with any intention of ex-
 acting the extreme penalty. The same Assembly de-
 nied the right of the governor to prorogue or adjourn
 them without their own consent. They voted, how-
 ever, a subsidy of fifteen pounds of tobacco for every in-
 habitant above twelve years of age, as a partial reim-
 bursement to the proprietary of his expenses in planting
 the colony. The principle of toleration was still firmly
 maintained. Certain persons, calling themselves "Prot-
 estant Catholics," having complained that their books
 and the key of their chapel had been taken away by
 Thomas Gerard, lord of St. Clement's Manor, an influen-
 tial Catholic planter, he was required to restore the key
 and books, and was fined five hundred pounds of tobacco
 "toward the maintenance of the first minister as should
 arrive."
- July. At the next session, a few months after, a complete
 system of law was provided for the province. The Assem-
 bly began by laying down rules for its own proceedings.
 Any ten members, including the lieutenant governor and
 six burgesses, were to constitute a quorum, "unless
 sickness do hinder," in which case, those present "at

the usual or appointed time" should make a house. CHAPTER
 The drum was to beat "as near as may be to sun-
 rising," and so on at intervals of half an hour, and any member not answering to his name after the third beating—a seasonable commencement of legislative labors hardly to be paralleled in these degenerate times—was to forfeit one hundred pounds of tobacco, unless excused by the lieutenant governor. No bill was to be read above once in one day. None were to speak in one day above once to one bill, except by leave of the lieutenant governor, under penalty of twenty pounds of tobacco. "None to use any indecent, taunting, or reviling words, to the naming or personating of any member in the house, or any other way misbehave himself in his speech, upon pain of such censure as the house shall think fit." An act "for the rule of judicature" provided that "right and just" in civil cases should be determined according to the law or most general usage of the province, or, in defect of such law or usage, then according to equity and good conscience; the judges to observe, so far as they may be informed thereof, and shall find no inconvenience therein, the law of England in like cases. All crimes and offenses were to be judged according to the law of the province, or, in defect of such law, by the judge's discretion, guided by the English law; "but no person to be adjudged of life, member, or freehold without law certain of the province."

The same Assembly adopted a criminal code, by which treasons against the king or the proprietary were made capital offenses. Piracy, robbery, burglary, arson, the malicious plucking out of another's tongue or eyes, and larceny, might be punished with death, or by branding, loss of member, or forfeiture of goods, or banishment, or imprisonment for life, or servitude to the pro-

CHAPTER XI. proprietary for seven years or less, except the culprit "be a gentleman," or might be otherwise "corporeally corrected

1642. or put to shame," as the council might direct. A like discretionary power was given for the punishment of a long list of inferior offenses. Drunkenness was to be punished by a fine of a hundred pounds of tobacco, to be appropriated toward the building of a prison; if the culprit could not pay, he was to be set in the stocks, fasting, for twenty-four hours. Swearing was punishable by a fine of five pounds of tobacco. A good deal of discontent was occasioned by another act of this session, prohibiting any person to leave the colony without first obtaining a pass from the chief judge of the county, which was not to be granted unless the applicant had set up a note of his intention at least five days before, one to be a Sunday or holy day. A new Assembly, held Sept. shortly after, had a warm controversy on the subject of this law with the governor, who finally conceded the right of individuals to go out of the province at their pleasure, "unless indebted or obnoxious to justice." An act was accordingly passed, as a substitute for the other, subjecting masters of vessels taking such persons away to an action of damages. This act was limited to three years, in conformity to a judicious custom, thus early adopted in Maryland, and long persevered in, of limiting the existence of the larger number of laws to a term of years. If found useful, they were re-enacted; otherwise they were suffered quietly to expire.

The colony, meanwhile, was a good deal annoyed by hostilities on the part of the Nanticokes, on the eastern shore, who even sent war parties across the bay to St. Mary's. Provision was made for collecting the women and children, on occasion of such incursions, at St. Inigoe's Fort; and another fort was built near the

Patuxent for defense against the Susquehannas. Cal-
 vert, having occasion to go to England—perhaps to con-
 sult the proprietary as to the policy to be adopted, now
 that civil war was begun—left the administration in the
 hands of Giles Bent, commandant of the Isle of Kent.
 During Bent's term of office some trouble was occasioned
 by one Captain Ingle, a ship-master, who was arrested
 for high treason, but escaped. Shortly after Calvert's
 return a rebellion broke out, headed by this same Ingle,
 in consequence of which Calvert retired to Virginia.

CHAPTER
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1643.

April.

1644.

Sept.

An application, made a year or two previous by Clay-
 borne for reimbursement for his confiscated property, hav-
 ing been rejected by the Assembly, he took advantage
 of the present disturbed state of affairs to repossess him-
 self by force of the Isle of Kent. Ingle claimed, per-
 haps, to act under some parliamentary authority; but
 great obscurity involves all these transactions, as well as
 some other parts of the early history of Maryland; for,
 upon the re-establishment of the proprietary government
 two years after, Clayborne and Ingle destroyed or car-
 ried off a large part of the records. Governor Calvert re-
 turned from Virginia with a body of armed men, and his
 authority was presently re-established, though not with-
 out bloodshed. Hill, who had been appointed governor
 by the council, retired on condition of receiving the fees
 due him while he held office. An Assembly was called
 by Calvert, and martial law and an embargo were pro-
 claimed. For want of other funds, but much to Lord
 Baltimore's dissatisfaction, Calvert's soldiers were paid
 by transferring to them a stock of cattle belonging to his
 lordship's private estate. The Isle of Kent was also re-
 duced to subjection. Calvert died soon after, having
 first, however, under a power of attorney to that effect,
 nominated as successor Thomas Greene, who presently

1646.

1647.

January.

April.

CHAPTER XI.
 1648. called a new Assembly, and proclaimed a general amnesty. Some claim, however, to the government, was set up by Hill, who complained that the promised compensation had not been paid. Having retired to Virginia, Hill had interested Governor Berkeley in his behalf.

Aug. During the progress of the civil war in England, Lord Baltimore seems to have acted a quiet, cautious, and prudent part. The Parliament having completely triumphed, he deemed it expedient to displace Greene, who was a Catholic, and to appoint as governor William Stone, an inhabitant of Virginia, a zealous Protestant and Parliamentarian. The motive for this appointment, as set forth in Stone's commission, was an undertaking on his part to introduce into the colony five hundred settlers of English or Irish descent. John Price, also a Protestant, was commissioned as "muster-master general," not only for his "knowledge and great abilities in martial affairs," but for "his great fidelity to his lordship on occasion of the late rebellion." A Protestant secretary was likewise appointed, and a majority of the council, in which, however, Greene, the late governor, retained his seat, appear also to have been Protestants. Yet the interests of the Catholic settlers were not overlooked. Stone's instructions required him to take an oath not to molest or discountenance, on religious grounds, any person in the province professing to believe in Jesus Christ, and, in particular, no Roman Catholic; nor to make any difference, on that score, in appointments to office or otherwise. The governor was also specially restricted from consenting to the repeal of any laws made or to be made, relating to matters of religion, judicature, or the prerogatives of the proprietary, without special warrant for that purpose. New conditions of plantation required,

as preliminary to grants of land, an oath of fidelity to the proprietary. CHAPTER
XI.

Sixteen acts, engrossed on parchment, were also forwarded to Maryland, for which the governor was to obtain the assent of the Assembly. That body, which seems to have been now, for the first time, divided into an upper and a lower house, exhibited a disposition to conform to the wishes of the proprietary by enacting several laws, derived in substance, if not in very words, from Lord Baltimore's drafts. Among these was "an act of toleration," which did, indeed, but carry out a policy coeval with the settlement of the colony, and lately confirmed by the oath imposed upon the governor. The first four sections of this celebrated act exhibit, however, but little of a tolerant spirit. Death, with forfeiture of land and goods, is denounced against all "who shall blaspheme God, that is, curse him, or shall deny our Savior Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son, and Holy Ghost, or the Godhead of any of the said three persons of the Trinity, or the unity of the Godhead, or shall use or utter any reproachful speeches against the Holy Trinity." Strange as it may seem, this penalty of death remained for two hundred years, still darkening the statute-book of Maryland! Fine, whipping, and banishment for the third offense, are denounced against all who "shall utter any reproachful words or speeches concerning the blessed Virgin Mary, or the holy apostles or evangelists." Fine, and, in defect of goods, whipping, and a public apology, are to be the punishment for calling any person within the colony, in a reproachful manner, "heretic, schismatic, idolater, Puritan, Presbyterian, Independent, popish priest, Jesuit, Jesuited papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead,

1649.
April.

CHAPTER Separatist, or other name or term, in a reproachful man-
 XI.
 ner, relating to matters of religion." Similar penalties

1649. are imposed for profaning "the Sabbath or Lord's day, called Sunday," by "any uncivil or disorderly recreation," or by work. After this incongruous preface, the fifth section sets out "that the enforcing the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath been practiced," and therefore enacts that, "for the more quiet and peaceable government of the province, and the better to preserve mutual love and unity," no person professing to believe in Jesus Christ shall be molested or discountenanced on account of his religion, nor interrupted in the free exercise of it; breaches of this section to be punished by fine and imprisonment.

Policy, it is evident, had a much greater share in the enactment of this act than any enlightened view of the rights of opinion, of which, indeed, it evinces but a very limited and confused idea. Now that the Puritans were triumphant in England, an exclusively Catholic colony would not have been tolerated for a moment. The sole chance of securing to the Catholics the quiet enjoyment of their faith consisted in bestowing a like liberty on the Protestants—a policy, indeed, upon which Baltimore had found it necessary to act from the very first planting of the colony.

Another act of this Assembly recognized in the proprietary the sole right of acquiring lands from the Indians—a principle adopted afterward in all the other colonies, and incorporated into the existing policy of the United States. Kidnapping the Indians to sell them as slaves was made felony, and other precautions were adopted against Indian hostility similar to those in use in Virginia. Provisions were made for communicating alarms;

every family was to be provided with guns and ammunition, and none were to go beyond their plantations, not even to church, unless well armed. A very harsh, but, as it proved, ineffectual act, visited with death, mutilation, branding, whipping, fine and banishment, according to the aggravation of the offense, all mutinous and seditious speeches, practices, or attempts, with or without force, against the person or title of the proprietary. Following some precedents of former assemblies, an impost was levied upon all tobacco exported in Dutch vessels, the produce of it being appropriated partly to pay the expenses of the late insurrection, and partly as a subsidy to the proprietary. An assessment was also imposed on the inhabitants for replacing Lord Baltimore's stock of cattle, of the appropriation of which to the pay of Calvert's soldiers he had very loudly complained.

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1649.

This Assembly had shown a great disposition to gratify all the proprietary's wishes; but in a letter addressed to him at the close of the session, they "humbly request his lordship to send no more such bodies of laws, which serve to little other end than to fill our hearts with suspicions, jealousies, and dislikes." They suggested rather to send "some short heads of what is desired," with assurance of "a most forward willingness" on their part to give "all just and reasonable satisfaction."

"A perfect Description of Virginia," a tract published in London this year, serves to give clear ideas of the condition of that colony. The following statements collected from it may be advantageously compared with the extracts from the "Wonder-working Providence" at the end of the preceding chapter. The country is described as diversified with "small ascents and descents, valleys, hills, meadows, and some level upland," "woody all over" except where clearings had been made, the great labor

CHAPTER being to fell the trees, dig up the roots, and so to pre-
 XL pare the land for the plow. It is represented to possess

1649. "twenty-five sorts of trees, large, good, and fit for ship-
 ping, housing, and other use;" "twenty kinds of beasts,"
 deer being abundant, and most of the other sorts fit to
 eat; "twenty-five sundry sorts of birds and fowls, land
 and water, for food not amiss;" "thirty sorts of fish,
 river and sea, plentiful, large, and very excellent;" the
 climate as healthy as that of England; the land "most
 fruitful and productive, with very great increase;" "a fat,
 rich soil, with very fine springs, small rivulets, and whole-
 some waters," facilities of intercourse being also furnish-
 ed by the great rivers. "They yearly plant and sow
 many hundred acres of wheat, as good and fair as any in
 the world, and great increase;" they have plenty of bar-
 ley, "which makes excellent malt;" "their maize, or Vir-
 ginia corn, it yields them five hundred for one—they set it
 as we do garden pease—it makes good bread and fru-
 menty, and malts well;" they have "roots of several
 kinds, potatoes"—the sweet potato, no doubt—"aspar-
 agus, carrots, onions, and artichokes;" "herbs of all kinds,
 garden and physic;" "hops fine and large;" "store of
 Indian pease, better than ours, beans, lupines, and the
 like," besides "fifteen kinds of fruit, pleasant and good."
 "With Italy they will compare for delicate fruits." Their
 tobacco, "much vaunted and esteemed in all parts," sold
 in the colony for only threepence, or six cents, per pound,
 and the colonists, we are told, were turning their atten-
 tion to indigo, which throve so well that great hopes
 were entertained "to gain the trade of it from the Great
 Mogul, and to supply all Christendom." It was not, how-
 ever, till a subsequent period, and in more southern colo-
 nies, that this hope was partially realized; and in the end,
 in this matter of indigo, the country of the Great Mogul
 has proved an overmatch for us.

The live stock of the colony is reckoned at twenty thousand cattle, two hundred horses, "of an excellent race," fifty asses, three thousand sheep, and five thousand goats; "swine, tame and wild, innumerable, the flesh pure and good, bacon none better;" "poultry, hens, turkeys, geese, and ducks, without number;" beef, five cents a pound; pork, six; cattle, "about the same prices as in England;" "butter and cheese, made in the colony, plenty and good." The inhabitants are reckoned at fifteen thousand English, and three hundred "good negro servants."

There were "six public brew-houses, but most brew their own beer, strong and good;" four wind-mills and five water-mills to grind corn. A saw-mill, for boards, was much wanted; iron ore was plenty, but there was nobody to work it. "There come yearly to trade about thirty ships—a good seminary for mariners." "Most of the masters and chief mariners have also their plantations, and houses, and servants, &c., and so are every way great gainers by freight and merchandise;" and if they can not fill up with tobacco, they take "staves, clapboards, good walnut-tree wood, cedar timber, and the like." There is lime in abundance, and good brick; the houses "high and fair," some of brick and others of wood, but covered with shingles, the brick-makers not being skillful enough to make tile. There are twenty churches, the livings of the ministers being worth at least £100, \$480, annually.

No correct notion had yet been obtained of the breadth of the continent. The country beyond the first ridge of mountains was unexplored; "but all men conclude, if it be not narrow, yet there will be found the like rivers issuing into a south or west sea on the other side of the hills, as there is on this side toward the east, with a course of about a hundred and fifty miles." The same dreams

CHAPTER of an overland traffic to India that interest the sanguine
 XI
 _____ of to-day, prevailed two hundred years ago among the
 1649. colonists of Virginia. These western rivers, it was expected, would be soon explored, "and by such a discovery the planters in Virginia shall gain the rich trade of the East Indies, and so cause it to be driven through the continent, part by land, part by water, and in a most gainful way, safe, and far less expensive and dangerous than it now is."

New England, four days' sail distant, has trade to and fro, and takes from Virginia many cattle, much corn, and other things. "That New England is in a good condition of livelihood; but for matter of any great hope but fishing, there is not much." Compared to Virginia, "it's as Scotland is to England, so much difference, and lies upon the same land northward as Scotland does to England; there is much cold, frost, and snow; their land so barren, except a herring be put into the hole you set the corn in, it will not come up; and it was great pity all those planters, now about twenty thousand, did not seat themselves at first at the south of Virginia, in a warm and rich country, where their industry could have produced sugar, indigo, ginger, cotton, and the like commodities." So it seemed at that time; but how much has New England, cold and sterile, with its sole staples of fish, ice, and granite, outrun, even in the career of wealth, all the boasted regions of tobacco, cotton, and sugar!

Though the inhabitants of Virginia are represented in the pamphlet above quoted as "living all in peace and love," the effects of the parliamentary triumph in England began to make themselves manifest; so much so, that
 1648. the Assembly had deemed it necessary to vote a body-
 October. guard of ten men for Governor Berkeley, not only to pro-

tect him from "treacherous attempts of the salvages," but also from "a sense of the many disaffections to the government from a schismatical party." The governor's right to press men for soldiers was expressly confirmed. 1649.

CHAPTER
XL

Notwithstanding the expulsion of the New England ministers, a Puritan church had contrived to maintain itself in Virginia. But the vigilance of the governor was now awakened, and the members of that church, a hundred and eighteen in number, with a Mr. Harrison for their pastor, and a Mr. Durand for their ruling elder, were obliged to leave the colony. They were invited to remove to Eleuthera, one of the Bahamas, where a new attempt at settlement was in progress under the direction of Sayle, twenty years after governor of Carolina. Harrison sought refuge in Boston, whence presently he went to England. Unfortunately for Lord Baltimore and his Catholic subjects, Durand, with most of the church members, preferred going to Maryland; and on the River Severn, not far from the present site of Annapolis, they formed a settlement which they called Providence.

About the same time arrived from England Robert Brooke, with his wife, eight sons, a great number of servants, and a commission from Lord Baltimore appointing him commander of a county. *Charles* county was accordingly established on his behalf. The next year Stone visited the settlement at Providence, and organized it as *Ann Arundel* county, so named from Lady Baltimore.

During a temporary absence of Stone on a visit to Virginia, news arrived in Maryland of the execution of Charles I., and of the proclamation of Charles II. as king of Scotland. Greene, who acted as governor in Stone's absence, caused the young king to be proclaimed. He was also proclaimed in Virginia, where the news pro-

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 1649. deduced quite a burst of loyalty in the shape of an act of Assembly, which provided that any person, stranger or inhabitant, who should, by reasoning or argument, defend "the late traitorous proceedings against the late most excellent and now undoubtedly sainted king," should be prosecuted as an accessory to his murder after the fact; that any person convicted of attempting to blast the late king's memory and honor, by "irreverent or scandalous words," should suffer such punishment as the governor and council might direct; while to insinuate any doubts as to Charles II.'s right of succession was to be dealt with as treason. The same penalty was also denounced against spreading rumors tending to a change of government, or to lessen its power or authority, which power was declared plenary to all intents and purposes—a clause aimed, it is probable, at those disaffected persons who argued that the demise of the crown had vacated Berkeley's commission.

1650. Lord Baltimore's approval of Greene's precipitate loyalty is more than doubtful. The young king, at all events, seems to have regarded the proprietary of Maryland as a time-server, if not as an enemy; for while he sent out June. a new commission to Berkeley as Governor of Virginia, disregarding the proprietary rights of Baltimore, he appointed as governor of Maryland Sir William Davenant, known afterward as a dramatist and stage manager, and for his claim to be a natural son of Shakspeare. Davenant, then an exile in France, where the young king himself was soon obliged to seek shelter, collected a body of refugee Loyalists, and embarked for Maryland; but at no great distance from the French coast he fell in with the parliamentary fleet, was taken prisoner, and carried to England, where he owed his liberation to the friendly intercessions of Milton, a brother poet, who had just

earned a title to favor and influence by his brilliant de- CHAPTER
 fense of the people of England against the execrations XI
 heaped upon them for the execution of Charles I. 1650

The English colonies in the West Indies, as well as Virginia and Maryland, adhered to Charles II. Provoked at this obstinacy, the victorious Parliament ordained "that in Virginia, and in diverse other places in America, there are colonies which were planted at the cost, and settled by the people and by the authority of this nation, which are and ought to be subordinate to and dependent upon England; that they ever have been and ought to be subject to such laws and regulations as are or shall be made by Parliament; that diverse acts of rebellion have been committed by many persons inhabiting Virginia, whereby they have most traitorously usurped a power of government, and set up themselves in opposition to this commonwealth." The Council of State was therefore authorized "to send ships to any of the plantations aforesaid, and to grant commissions to such persons as they shall think fit, to enforce all such to obedience as stand in opposition to the Parliament, and to grant pardons and settle governors in the said islands, plantations, and places, to preserve them in peace until the Parliament take further order." All trade with the rebellious colonies was prohibited, and the capture of all vessels so employed was authorized. A similar prohibition was enacted in Massachusetts, whence a profitable trade to Virginia and the West Indies was already carried on; but the Massachusetts General Court put in a special protest against the extension to them of the Parliamentary claim of unlimited jurisdiction. Oct. 3.

Sir George Ayscue was presently dispatched by the Council of State with a fleet against Barbadoes; but he encountered there an unexpected resistance. That isl- 1651
 May

CHAPTER and had a large population, and Lord Willoughby, the
 XI. governor, was able to array against the parliamentary
 1651. forces an army of not less than five thousand men.

Sept. Meanwhile, a separate expedition was fitted out against Virginia, under the direction of five commissioners, among them Richard Bennet, one of the Puritan emigrants to Maryland, and William Clayborne, the old enemy of Maryland, now treasurer of Virginia. The three others, Dennis, Stagge, and Curtis, were military officers. Dennis and Stagge suffered shipwreck on their passage, and only Curtis acted. The ships for this expedition, furnished by English merchants in the Virginia trade, had on board a regiment of seven hundred and fifty men, besides a hundred and fifty Scotch prisoners taken in the battle of Worcester, and sent to Virginia to be sold as servants.

These forces proceeded by way of the West Indies, where they joined Ayscue, and assisted him to land at Barbadoes. Thus re-enforced, he took the principal fort, and the Barbadians capitulated; not, however, without a full and express concession in the articles of surrender of their sole right to tax themselves. To this inconsiderable island the honor thus belongs of having first vindicated in arms that right of self-taxation, the denial of which afterward occasioned the American Revolution.

1652. After some delay in sailing from the West Indies, the
 March. vessels of the Virginia expedition at length reached the Chesapeake. There were several Dutch ships lying in James River, liable, under the late parliamentary ordinance, to seizure and confiscation, whose crews agreed to assist in the defense. A negotiation, however, ensued, and terms of capitulation were soon arranged. Two sets of articles were signed, one with the Assembly, the other with Berkeley and his council, who were to be allowed a

year to settle up their affairs, without being required to take any new oaths, being guaranteed, also, the right within that time to sell their property and to go where they pleased. The other set of articles assured the colony against any claim of conquest, or any charge for the expense of the present expedition. It conceded government by an assembly; indemnity for the past; security of land grants; the existing privilege of fifty acres of land to every new comer; the same freedom of trade as was enjoyed in England; the non-imposition, as in Barbadoes, of any taxes or customs, except by the Assembly; the use, for one year, of the Book of Common Prayer, the suppression of which was one of the things specially enjoined on the commissioners; and a year's liberty of sale and removal for all colonists who did not choose to take "the engagement," that is, to subscribe a promise, now exacted throughout the British dominions, "to be true and faithful to the Commonwealth of England as it is now established, without king or House of Lords." The safety of the Dutch allies was also provided for.

The capitulation being signed, Berkeley's commission and instructions were declared void; and, a new assembly being called, Bennet was elected governor, and Clayborne secretary. Samuel Mathews was sent as agent to England.

Maryland was not mentioned by name either in the parliamentary ordinance or the commission for subduing Virginia. But that commission authorized the reduction of all plantations within Chesapeake Bay. Clayborne, one of the commissioners, had no good will toward Lord Baltimore. Even before the final settlement of affairs in Virginia, Stone and his council had been called upon to take "the engagement," to which they did not object; but when required to enact all laws and to issue all or-

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XI.

1652.

April 30

March.

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 1652. ders in the name of the "keepers of the liberty of England," they demurred on the ground that the king's name had never been so used in the province, and that it was not to be supposed that the new government claimed, to the detriment of Lord Baltimore's rights, any greater authority than had hitherto been exercised by the king. For this resistance to their orders the commissioners deposed Stone, and appointed a new council, of which Brooke, the commander of Charles county, was made president; but, upon Stone's submission, and at the request of the inhabitants, he was presently reinstated as governor.

Already, before the subjection of Virginia, on the point of a rupture with the Dutch, and jealous of the extensive carrying trade which that republic had acquired during the civil war, as well as of the shelter afforded to the banished Loyalists, the Parliament had passed an ordinance which prohibited the transport into England of any merchandise from Asia, Africa, or America, except in English-built vessels, owned in England or the English colonies, and navigated by an English commander and crew. The same policy had prompted a previous ordinance, authorizing shipments from England to Virginia, Bermuda, and Barbadoes, duty free, provided the said plantations would allow no shipment of their produce except to England. These embryos of the subsequent navigation laws still, however, allowed a direct trade between Europe and the English colonies; and, after the peace with the Dutch, the vessels of that nation seem to have regained, notwithstanding the ordinance above recited, a considerable share in the carrying trade even between Virginia and England. Another parliamentary ordinance, adopting the policy of the royal proclamations formerly issued by

James and Charles, prohibited the cultivation of tobacco in England. CHAPTER
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In consequence of instructions which Stone had received from Lord Baltimore, he presently declined to conform any longer to the conditions imposed upon him by the parliamentary commissioners, and proceeded to act, as formerly, in the name of the proprietary only. What was very disagreeable to the Puritan settlers, he demanded that oath of fidelity to the proprietor, the imposition of which by the Assembly has been heretofore mentioned. He took care, indeed, to proclaim the accession of Cromwell as Lord Protector; but, by orders from Lord Baltimore, he dismissed Brooke from the council, revoking, also, the erection of Charles county, lately established on his special account. At the same time, he appointed both sides of the Patuxent to be a new county, by the name of *Calvert*. These proceedings brought Bennet and Clayborne again to Maryland, and, by the aid of the Puritans of Ann Arundel county, and the threat of a force from Virginia, they compelled Stone again to resign. Having commissioned William Fuller as governor, with Durand, the Puritan immigrant from Virginia, as secretary, they appointed a new council, and ordered a new Assembly to be called. Copying the provisions of the instrument of government under which Cromwell had lately assumed authority as Lord Protector, no person was to be allowed to sit in this Assembly, nor to vote for members of it, who had been in arms against the Parliament, or who professed the Catholic religion. One of the first doings of this Assembly was to modify the act of toleration, so as to exclude "papists and prelatists" from its benefit—thus requiring the indulgence of Lord Baltimore by disfranchising the original settlers. Acts were also passed nullifying

CHAPTER
XI.

1654.

Feb.

May 6.

July 3.

July 22.

Oct. 20.

CHAPTER the oath of allegiance to the proprietary, and denying his
XI. claim to be "absolute lord" of the province, notwith-

1654. standing the clauses in the charter in which he was so denominated.

1655. Early the next year Stone received letters from Lord
January. Baltimore, giving assurance that he still kept his patent, and blaming the easy surrender to Bennet and Clayborne, who had, as he alleged, no authority for their interference. Stone resided at St. Mary's, the Catholic capital. The head-quarters of the new council were at Ann Arundel, the name of which had been again changed to Providence. "Mr. Preston's house on the Patuxent," intermediate between the two settlements, was used as a state-house, and there the colony records were kept. Encouraged by Baltimore's letters, Stone called the Catholic settlers to arms; he seized the records, together with a quantity of arms and ammunition deposited at Mr. Preston's house; and, having embarked some two hundred men in ten or twelve small vessels, proceeded against Providence. After some parley and maneuvers,
March 25. a battle was fought. The war cry of Stone's party was "Hey for St. Mary's!" The Puritans, though somewhat inferior in number, advanced, shouting, "In the name of God, fall on! God is our strength." Stone's party was completely routed at the first charge; some fifty were killed or wounded, and the rest taken prisoners, with a loss on the Puritan side of only two or three. "God did appear wonderful in the field and in the hearts of the people; all confessing him to be the only worker of this victory and deliverance;" so we are told by Leonard Strong, one of the Puritan party, in his pamphlet of "Babylon's Fall in Maryland," published the same year. Stone and his principal officers were tried by court martial, and ten were condemned to death.

Four were executed; the others, including Stone, who was wounded, were saved by the entreaties of the women and the soldiers. Their authority thus re-established over the entire province, the triumphant party proceeded to sequester the estates of their opponents. These latter particulars we learn from John Langford, one of Stone's party, in his "Refutation of Babylon's Fall." 1655.

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Both sides hastened to appeal to the all-powerful Protector. Among Stone's adherents was a certain Doctor or Captain Barber, formerly in Cromwell's employ, but who had lately been sent to Maryland with a commission of some sort from Lord Baltimore. He went to England to state the case for that side; Bennet also went on behalf of the commissioners, his place as governor of Virginia being supplied by Edward Diggs, elected by the Assembly. There was pending, at the same time, a boundary dispute between Virginia and Lord Baltimore, as to part of the territory on the eastern shore; the Virginians seem even to have entertained hopes of vacating altogether the charter of Maryland, the erection of which into a separate province they seem still to have regarded as an encroachment on their rights.

Cromwell referred the matter to two commissioners, whose report was submitted to the "Committee of Trade" —first rudiment of that Board of Trade, afterward so conspicuous in colonial affairs. This committee made a report very favorable to Lord Baltimore; but Cromwell was too much occupied with other matters, perhaps was disinclined to give any final decision. He appears, indeed, to have contemplated a new frame of government for Virginia, along with which, perhaps, Maryland was to be included. 1656

Even before the favorable report of the Committee of Trade, Lord Baltimore's partisans were recovering their

CHAPTER courage. Some sort of commission or authority seems
 XI. to have been deputed by Stone to Josiah Fendal. But

1656. Fendal was narrowly watched, arrested on suspicion by
 Aug. 13. the Puritan authorities, and only released upon taking
 an oath not to disturb the existing government till some
 decision was arrived at in England. Encouraged by the

1657. aspect of affairs, Lord Baltimore had already issued a
 commission as governor to this same Fendal, presently
 followed by a copy of the favorable report of the Com-
 mittee of Trade. Philip Calvert, brother of the proprie-
 tary, came out also as secretary for the province, bring-
 ing instructions to reward with grants of lands those who
 had been most active on Lord Baltimore's side during
 the late struggle, and to provide for the widows of the
 slain out of the proprietary rents. Fendal and Calvert
 were acknowledged at St. Mary's and the neighborhood,
 but the Puritan council still held authority at Providence.
 Their act for confiscating the property of their opponents,
 as usually happens in such cases, seems to have given
 occasion to frauds and peculations; for the Puritan As-
 sembly, at a new session, appointed a committee to sit
 after the adjournment, authorized to call to strict ac-
 count all who had received money under that act.

Through the mediation of Diggs, late governor of
 Virginia, who had gone to England as joint agent with
 Nov. 30. Bennet and Mathews, an agreement was presently en-
 tered into between Lord Baltimore on the one hand, and
 Bennet and Mathews on the other, for arranging the af-
 fairs of Maryland. Fendal, who had also gone to En-
 gland, leaving Barber as deputy governor at St. Mary's,

1658. brought out this agreement, which was ratified, with
 March 24. some modifications, by the Puritan council at Providence.
 There was to be oblivion as to the past. Grants of land
 were to issue to all entitled to them. The oath of fidelity,

so unpalatable to the Puritan settlers, was replaced by a written engagement to submit to the proprietary's lawful authority. The inhabitants were guaranteed the possession of their arms. The proprietary was specially bound to uphold that act of toleration under which the Puritans had come into the colony, but which they themselves, while they held the power, had disregarded, and, so far as Catholics and Episcopalians were concerned, had formally set aside.

During the administration of Mathews, who succeeded Diggs as governor of Virginia, the laws of that colony underwent a new revisal, and were codified in a hundred and thirty-one acts. Religion still occupied the first place in the statute book. Ecclesiastical matters were referred to the several parishes, to be managed, however, as we must suppose, according to the Presbyterian model then established in England, and to which the parochial clergy of that country had very generally conformed; an example which, for aught that appears, those of Virginia as readily followed. All the counties not yet so divided were required to be laid out into parishes by the county courts; and a tax was to be levied for the erection of churches. So anxious had the preceding assembly been to supply the pulpits, that a premium of £20, about \$100, had been offered for every minister imported; but this act was now dropped. The law of England against bigamy was specially adopted—a law, it is probable, rather apt to be overlooked by some who emigrated, leaving their families behind them. The probate of wills and oversight of orphans were intrusted to the county courts. All courts were to give judgment without regard to errors of form. Five years' possession of land was to give a title, and all suits on notes, bonds, and judgments were required to be commenced within

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1658. five years. Poor persons, who had no tobacco, might tender other goods in payment of their debts. Spread-ers of false political news were to produce their authors or be punished. Ships sailing from England with passengers were to have at least four months' provisions on board. This act would seem to indicate that a considerable immigration was now going on. An export duty of ten shillings was imposed upon every hogshead of tobacco, weighing three hundred and fifty pounds, exported in Dutch vessels elsewhere than to England; but free trade was promised to the Dutch, and this impost was to be reduced to two shillings per hogshead in favor of all Dutch vessels bringing negroes to the colony. A like duty of two shillings per hogshead was imposed upon all tobacco exported to England except in vessels Virginia-built, in which it was to go duty free. Out of the income thus realized the governor was to be paid a salary of £600. Premiums were again offered for the production of silk, flax, hops, wheat, and wine. Hides, wool, and iron were not to be exported. Aliens who had dwelt in the country five years, and intended to remain, were to become free denizens. A more kindly feeling than heretofore was exhibited toward the Indians, who, by this time, were thoroughly subdued. They were to be protected in the possession of the lands remaining to them, and, to prevent imposition, were not to be allowed to sell those lands except at quarter courts. To secure the Indian children placed with the colonists for education against being sold as slaves, it was forbidden to transfer their services.

April. Shortly after the enactment of this code, Governor Mathews undertook to dissolve the Assembly; but his authority to do so was denied. The Assembly claimed the right to elect all officers, declared existing commis-

sions no longer valid, and ordered the public officers to obey no warrants unless signed by their speaker. Mathews yielded, and was re-elected governor with a council such as the burgesses approved. 1658.

With this assumption of authority, the manner of proceeding in the Virginia Assembly became more formal and orderly. Rules were adopted for that purpose. Absence without leave was prohibited, and the members were required to give their attention to the proceedings of the house. Those who spoke were to rise, uncovered, and address the speaker. Personalities, and being "disguised with over much drink," were forbidden. The latter seems to have been a prevalent failing, as distinct penalties were provided for the first, second, and third offenses. To these rules were presently added two others. No member was to speak more than once on the same matter at the same sitting; nor were any to "pipe it" after the calling of the roll, unless by license from the major part in a vacancy from business. 1659.

The death of Cromwell, and the accession of his son Richard as Lord Protector, were notified to the Virginia Assembly by a letter from the Supreme Council in England. It was ordered in this same letter that, till that system could be matured which the late Lord Protector had contemplated, but never had found time to complete, things should remain in Virginia on the same footing as heretofore. The Assembly eagerly seized this opportunity for giving to the late extension of their authority the semblance of a confirmation from England. They voted unanimously to submit to his highness Richard, and to accept the letter of the Supreme Council as "an authentic manifestation of their lordships' intentions for the government of Virginia." It was acknowledged by Governor Mathews, that, by the existing system, the

CHAPTER power of electing all public officers resided in the As-
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 ssembly ; and he promised to join in an address, and to

1659. give his best assistance toward the confirmation of that privilege. Mathews was re-elected governor for two years ; Clayborne was reappointed secretary. The present counselors were confirmed for life, except in case of high misdemeanors, to be judged by the Assembly. Future counselors were to be nominated by the governor, and confirmed by the Assembly, which was to be renewed every two years. If warrants for a new election were not duly issued by the governor, the sheriffs were to hold the elections on their own authority.

1660. Mathews died shortly after. News soon arrived of
 March. those commotions in the mother country resulting presently in the restoration of Charles II. As there was now in England "no resident, absolute, and generally confessed power," the Assembly claimed, during the interregnum, supreme authority in Virginia, and ordered all writs to issue in their name, "until such command and commission come out of England as shall be by the Assembly judged lawful."

The Royalist triumph was already foreseen, and Sir William Berkeley, after an eight years' retirement, was now elected governor, and allowed the selection of a secretary and counselors, subject, however, to the Assembly's approval. The new governor was to call an assembly at least once in two years, and was not to dissolve the one then sitting except by consent of the majority of its members. He was to have for salary £700 out of the export duty, fifty thousand pounds of tobacco out of the levy, and such customs as might be payable on Dutch vessels from New Netherland. Hammond was, at the same time, appointed major general of the militia.

Oct. At the next session Berkeley is recorded as "his mag-

isty's governor." He had no doubt received, in the inter-
 val, a commission from England. The Assembly voted
 twenty-two thousand pounds of tobacco to Hammond
 and another "employed by the governor and country in
 an address to his magistry for a pardon to the inhabitants,"
 and the same for the next year; also eleven thousand
 pounds of tobacco to Sir Henry Moody, employed "in
 an embassy to the Manhadoès," to reciprocate several
 messages from the Dutch, and to ratify a treaty of com-
 merce, though without that acknowledgment of the Dutch
 title which it was artfully attempted to obtain. The
 governor was authorized to undertake the building of a
 state-house, and to press for that service ten men "of the
 ordinary sort of people," allowing each two thousand
 pounds of tobacco per annum. Voluntary subscriptions
 were to be taken up for the same object. In addition to
 his salary out of the impost, the governor was to have a
 bushel of corn in the ear from each tithable, and sixty
 thousand pounds of tobacco out of the levy.

Meanwhile, in Maryland, the fluctuating state of En-
 glish politics gave occasion to a new revolution. Gov-
 ernor Fendal, notwithstanding his late zeal for Lord Bal-
 timore, now took sides with the Puritan party in refusing
 to acknowledge the upper house, casting off the proprie-
 tary authority, and declaring the lower house of Assem-
 bly the sole source of power. The restoration of Charles
 II. brought this Republican system to a speedy close.
 Forgetting or forgiving the temporizing policy of Balti-
 more, the king, at his request, signed a letter to the
 Marylanders, in which they were required to submit to
 Philip Calvert, to whom the proprietary had transmitted
 a commission as governor. Fendal was tried and found
 guilty of treason, but was pardoned; and the inhabitants
 quietly submitted to Calvert's authority.

CHAPTER XII.

NEW ENGLAND DURING THE COMMONWEALTH.

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THOUGH satisfied with the fundamental laws as far as they went, the freemen of Massachusetts had continued still jealous of magisterial discretion, and anxious for a complete code, a specific punishment for every offense, and the publication of all laws by which they were bound. The magistrates, on the other hand, desired a certain judicial discretion. But they had found themselves obliged to yield; and a commission, consisting of two magistrates, two ministers, and two able persons from among the people in each county, had been appointed for compiling a code. Being finished, and alphabetically arranged, this 1649. code was printed—a very hazardous experiment, as the magistrates thought. But the advantages and convenience of this publicity were so obvious, that all the subsequent laws were from time to time printed. No copy of this code is known to be in existence; but we are not altogether ignorant of its contents. It increased the list of capital crimes by subjecting to the penalty of death “stubborn and rebellious sons,” and “children above sixteen who curse or smite their natural father or mother”—enactments borrowed from the Jewish law. Rape was also made capital—a provision formerly omitted, because Moses had not so punished it. The sale of intoxicating liquors was restricted to certain persons licensed for that purpose. Courtship attempted without the permission of the maid’s parents or guardians, or, in their absence, of

the "nearest magistrate," was punished with fine, and the third offense with imprisonment. It was also deemed necessary to support, by civil penalties, the fundamental doctrines on which the theocracy rested. "Albeit faith is not wrought by the sword, but the word, nevertheless, seeing that blasphemy of the true God can not be excused by any ignorance or infirmity of human nature," therefore "no person in this jurisdiction, whether Christian or pagan, shall wittingly and willingly presume to blaspheme his holy name, either by willful or obstinate denying the true God, or his creation or government of the world, or shall curse God, or reproach the holy religion of God, as if it were but a public device to keep ignorant men in awe, nor shall utter any other eminent kind of blasphemy of like nature or degree," under penalty of death. This enactment, with some modification in its terms and relaxation of the punishment, is still to be found in the Massachusetts statute-book. It has lately been held to be constitutional by the Supreme Court of that state, upon argument in a contested case, notwithstanding an express provision in the Massachusetts Bill of Rights that no person shall be molested for his religious profession or sentiments. Constitutions, indeed, go for very little when in conflict with the hereditary sentiments of their expositors.

"Although no human power be lord over the faith and consciences of men, yet because such as bring in damnable heresies, tending to the subversion of the Christian faith and destruction of the souls of men, ought duly to be restrained from such notorious impieties," therefore "any *Christian* within this jurisdiction who shall go about to subvert or destroy the Christian faith and religion by broaching and maintaining any damnable heresies, as denying the immortality of the soul, or resurrec-

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1649. tion of the body, or any sin to be repented of in the regenerate, or any evil done by the outward man to be accounted sin, or denying that Christ gave himself a ransom for our sins, or shall affirm that we are not justified by his death and righteousness, but by the performances of our own works, or shall deny the morality of the fourth commandment, or shall openly condemn or oppose the baptizing of infants, or shall purposely depart the congregation at the administration of that ordinance, or shall deny the ordinance of magistracy, or their lawful authority to make war, or to punish the outward breaches of the first table, or shall endeavor to seduce others to any of the errors and heresies above mentioned"—any such were liable to banishment. Jesuits were forbidden to enter the colony, and their second coming was punishable with death. Another law, a few years after, subjected to fine, whipping, banishment, and finally to death, "any who denied the received books of the Old and New Testament to be the infallible word of God." This statute, also with some modifications in the terms and the punishment, is still in force in Massachusetts—constitutional, no doubt, according to the legal authority above cited.

As another and certainly far preferable means of guarding against religious error, this code gave a legal establishment to a system of free schools, already introduced into several of the towns. "It being one chief project of that old deluder Sathan," says the preamble to this venerable law, "to keep men from the knowledge of the Scriptures, as in former times keeping them in an unknown tongue, so in these latter times by persuading men from the use of tongues, so that, at least, the true sense and meaning of the original might be clouded with false glosses of saint-seeming deceivers, and that learning may not be buried in the grave of our fathers,"

therefore every township was required to maintain a school for reading and writing, and every town of a hundred householders a grammar school, with a teacher qualified "to fit youths for the university." This school law, re-enacted in Connecticut in the very same terms, was adopted also by Plymouth and New Haven. Unfortunately for the credit and success of Williams's system of religious freedom, it found no favor in his colony. Of the exiles from Massachusetts who resorted thither, many, indeed, were despisers of human learning, inclined to rest the interpretation of Scripture upon special personal spiritual enlightenment—doubtless the very "saint-seeming deceivers" aimed at in the preamble to the Massachusetts act.

With the deaths of Winthrop and Dudley, and the firm establishment of the policy for which they had so zealously contended, seems to have terminated that struggle in favor of rotation in office, hitherto an obvious feature in the politics of Massachusetts. Their mantles devolved on Endicott, and, with the exception of a single term, during which Bellingham held the office, he was annually re-elected as governor for the fourteen years following. He and his two immediate successors died in office.

A code for Connecticut, compiled by Ludlow, and adopted by the General Court, was copied, much of it in very words, from the code of Massachusetts. To the Massachusetts list of capital offenses the Connecticut code added house-breaking, and robbery on the third offense. Simple larceny was punished as in Massachusetts, by requiring threefold restitution; forgery by double restitution, standing in the pillory, and disability to give evidence or to act as a juror. It was forbidden to take tobacco publicly. Strong waters could not be sold with-

out a license. The magistrates were invested with discretionary powers for the punishment of licentiousness—

1650. powers exercised with great rigor. Debtors could not be imprisoned except when suspected of concealing property, as to which both the debtors themselves and all persons charged as colluding with them were liable to be examined under oath. The debtor was bound, if the creditor required it, to pay his debt by service, and might be sold for that purpose, but not "to any but of the English nation." This law for selling the service of debtors, and appropriating the proceeds to the payment of their debts, remained in force in Connecticut even within the present century. Runaway servants were to be pursued at the public expense, and were required to make up threefold the time of their absence. On the subject of the Indians this code exhibits much anxiety. The militia law is full and precise. Every town is to have a store of powder, and on Sundays and lecture days to be furnished with an armed guard, to prevent sudden surprises. Trade with the Indians in arms of any kind, or in dogs, is strictly forbidden. White men leaving the colony and joining the Indians are liable to three years' imprisonment. Every band of Indians resident near any plantation is to have some sachem or chief to be personally responsible for all depredations committed by the band; and, in conformity with a recommendation of the Commissioners for the United Colonies, if satisfaction for injuries is refused or neglected, the Indians themselves may be seized; "and, because it will be chargeable keeping them in prison," they may be delivered to the injured party "either to serve, or to be shipped out and exchanged for negroes, as the case will justly bear." It thus appears that negro slavery was authorized in Connecticut as well as in Massachu-

setts. It was only the heretics of Providence who prohibited perpetual servitude by placing "black mankind" on the same level with regard to limitation of service as white servants. Unfortunately for the honor of Rhode Island, this regulation, enacted during a temporary disruption of the province, never extended to the other towns, and never obtained the force of a general law.

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It was not without much reluctance and hard pressing that the Narragansets discharged the heavy tribute imposed upon them. One installment was paid in old copper kettles collected from the wigwams. In vain did Ninigret, the Niantic sachem, summoned to Boston to explain his deficiencies, inquire "for what the Narragansets should pay so much wampum." The arrears were demanded with penurious rigor. Ninigret, a second time summoned to Boston, pleaded poverty, and insisted that the amount was nearly paid. But the commissioners still claimed a considerable balance. They resolved to have it to the last penny. Captain Atherton, sent into the Narraganset country at the head of an armed party, seized Pessacus by the hair, in the midst of his warriors, and by threats and terror extorted the final payment. The tribute of the subject Pequods having fallen into arrear, a collector was appointed to look after it. Uncas, to whom many of these tributaries had been assigned, made his appearance before the commissioners, and demanded to know why this tribute was required; how long it was to last; and if children thereafter born were to pay it. The origin of the tribute was explained, and ten years were fixed as the limit of its continuance.

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Eliot still continued his missionary labors among the Indians in the vicinity of Massachusetts Bay; and a settlement was now formed at Natick, about sixteen miles west of Boston, where the converted Indians were

CHAPTER assembled, and instructed in agriculture and the rearing
XI. of cattle. On the Island of Martha's Vineyard, of which
1651. the jurisdiction had been assigned to Massachusetts by
the Commissioners for the United Colonies, there was quite a body of Indians, and some converts began to be made there also by Thomas Mayhew, a son of the grantee and first settler, who had followed the example of Eliot in turning missionary preacher. Eliot himself appears to have visited, with great labor and fatigue, most of the tribes in eastern Massachusetts and Plymouth colony. He was accustomed to make an annual visit to the falls of the Merrimac, now Lowell, to preach to the Indians assembled there to fish; and Passaconaway, the aged sachem, was urgent for him to settle in that neighborhood.

It had at length been ascertained, by repeated explorations, that the Merrimac River came so far from the north, that an east and west line, in the terms of the Massachusetts charter, "three miles north of any and every part of it," if extended toward the sea-coast, would strike the ocean as far east as the mouth of the Kennebec. That line was accordingly claimed by Massachusetts as her northern boundary, and the present seemed a favorable opportunity to enforce the claim.

About the time of the commencement of the civil war in England, in which Sir Ferdinando Gorges took sides with the king, Rigby, a Republican member of the Long Parliament, had purchased up the old patent of Ligoniam, known as the "Plow Patent," and had sent out as his deputy, to claim possession, George Cleves, already mentioned as a former agent in America of Gorges and Lord Stirling. This claim being resisted by Gorges's agents, Cleves had attempted to engage the United Colonies in his quarrel, proposing that Ligoniam should become a member of that alliance. Presently it was agreed between

Cleves and those claiming authority under Gorges, to re-
 fer the matter to the Court of Assistants at Boston, and
 the case was regularly tried there before a jury. Rig-
 by's agent could only show a purchase by his principal
 of the rights of two out of six or eight patentees of Li-
 gonia. On the other hand, the deputy of Gorges could
 not produce the original patent of Maine, but only a copy,
 "which was not pleadable in law." The jury could not
 agree on a verdict, but the magistrates persuaded the
 litigants to live in peace till the matter could be referred
 to England. Rigby easily obtained there, from the Par-
 liamentary Commissioners for Plantations, a confirma-
 tion of his claim; and the coast from the Kennebec to
 the Saco was erected into the province of Ligoniam, Maine
 being restricted to the tract from the Saco to the Piscat-
 aqua.

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About this time Gorges died, and his son and heir
 having been repeatedly written to without answer, the
 inhabitants of the diminished province of Maine combined
 for the purpose of self-government, and chose Edmund
 Godfrey as their chief magistrate. It was against this
 province that the annexation projects of Massachusetts
 were first directed. Godfrey made a strenuous opposi-
 tion, and got up a petition to the English Council of
 State; but Massachusetts meanwhile sent four com-
 missioners to take possession. Kittery and Georgiana
 first submitted, an example presently followed by Wells,
 Cape Porpoise, and Saco. The newly-acquired towns
 were erected into a county called *Yorkshire*; the name
 of Georgiana was changed to *York*; and the municipal
 government exercised for ten years under the city char-
 ter now came to an end. To the inhabitants of this
 new county were granted the same privileges possess-
 ed by those of Norfolk, formed out of the New Hamp-

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CHAPTER shire towns. Church membership was not required
 XII. either as a qualification for voting or for representing
 1652. the towns in the General Court—a politic concession,
 which served to reconcile the inhabitants to the new gov-
 ernment.

The adjoining province of Ligonía was also in a state of confusion. Cleves, the deputy governor, having quarreled with his council, had gone to England with complaints. Rigby was dead; his heir sent a letter to the council forbidding them to act in his name, but he does not appear to have appointed any substitutes. This territory, too, was claimed as within the limits of the Massachusetts patent. The Episcopalian settlers made some opposition, but the above-mentioned concessions helped to disarm them. Black Point and Casco presently submitted, and in the course of five or six years the authority of Massachusetts was acknowledged as far as the Kennebec.

A few settlers were established at the mouth of that river, on the tract belonging to Plymouth colony, for
 1654. whom an Assembly, presently held there under a commission from Plymouth, enacted a concise body of laws. The Indian trade, which grew gradually less and less,
 1660. was farmed out to a company, to which, some years after, was sold also the patent for the lands.

East of the Kennebec, the little colony of Pemaquid, the oldest settlement on all that coast, still retained its separate existence. All east of Pemaquid was claimed by D'Aulney for the Company of New France, his trading house nearest the English being that on the east shore of the Penobscot, at or near the present site of Castine.

In consequence of D'Aulney's jealous exclusion of the
 1648. English colonists from the French territories, a message

had been sent to the governor of Quebec, proposing free trade—the first communication on record between New England and Canada. After a long delay, an answer was returned by two Canadian priests, whose principal object, however, was to obtain assistance in a bloody and disastrous war with the Five Nations in which Canada was then involved. This assistance was sought either by direct alliance, leave to enlist volunteers, or at least permission for war parties of the converted French Indians on the Penobscot to pass through the territories of the United Colonies on their way against the Five Nations. The French envoys described in moving terms the distress of their converts and the danger of their missions. They appealed to their neighbors by the endearing name of fellow-Christians; but what sympathy could there be between papists and Puritans? The application had no result; the commissioners for the United Colonies, calling to mind the recent case of D'Aulney and La Tour, declined to interfere, and the French messengers were dismissed with a civil refusal.

While extending her dominion toward the north by the annexation of Maine and Ligonias, Massachusetts was still eager for the dismemberment and partition of Williams's Narraganset Commonwealth. This scheme was favored by the conduct of Coddington, who had obtained from the English Council of State a commission for the separate government of Aquidday, by which he was constituted governor for life—a proceeding, however, not satisfactory to a part of the inhabitants.

Massachusetts still claimed the territory of Warwick by virtue of the submission of the two sachems to whom it had originally belonged, backed by an alleged grant from Plymouth of any claim she might have under her patent. But the Plymouth commissioners, disgusted at

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the late overbearing conduct of Massachusetts in the matter of the impost levied at Saybrook fort, denied both the fact and the legality of any such alleged cession. At the same time they declined the invitation of their Massachusetts colleagues to claim jurisdiction on their own account. The people of Warwick complained that their Indian neighbors, dependents on Massachusetts, were guilty of constant annoyances and depredations, in which it was more than insinuated that Massachusetts encouraged them—conduct which might seem to give some color to part, at least, of an heretical opinion formerly charged against Easton, now governor of Rhode Island, “that the elect had the Holy Ghost and also the devil indwelling.” Alleging the commands of the Parliamentary Commission for Plantations, the governor and assistants of Rhode Island applied to the Commissioners for the United Colonies, demanding protection and redress. But this application was very coolly received. There had lately been two executions for witchcraft, one at Hartford and another at Charlestown, against which, according to William Arnold, who acted as a sort of spy for Massachusetts, the people at Warwick loudly cried out, expressing their belief “that there were no other witches upon the earth, nor devils, but the ministers of New England and such as they”—a new heresy which could not much recommend them to the good will of their neighbors.

As the Commissioners for the United Colonies would do nothing to protect them, and apprehending even danger to their independence, the people of Providence, Warwick, and Newport resolved on an appeal to England for the confirmation of their charter, protection against the depredations of the Indian vassals of Massachusetts, and the recall of Coddington’s commission. A contribu-

tion was accordingly raised to send out agents, and Roger Williams and John Clarke were deputed for that purpose. CHAPTER
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Massachusetts meanwhile sought to procure from the Commissioners for the United Colonies aid, or, at least, sanction for subduing Warwick by force. The Commissioners for Connecticut and New Haven admitted that the former proceedings against Gorton had been by their consent; but the Plymouth commissioners disclaimed any responsibility for those proceedings; and they specially protested against the Massachusetts claim of jurisdiction over Warwick by virtue of any cession from them. To such a pitch, indeed, did these differences rise, that a meeting of the commissioners, held at Plymouth the next year, was abruptly broken up on some alleged informalities, without proceeding to business. Sept.
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High words must have passed, perhaps something more, since the General Court of Massachusetts ordered a letter to be written to the Governor of Plymouth, demanding satisfaction for an alleged affront to one of their commissioners.

Before embarking for England, Clarke, with two other delegates from the Baptist Church at Newport, paid a visit to a Baptist brother at Lynn, "who, by reason of his advanced age, could not undertake so great a journey as to visit the church." They even ventured, on a Sunday morning, to give a public exhortation at his house; for which they were arrested in the act, and carried by force, in the afternoon, to hear the regular preacher, one Thomas Cobbett, author of "a large, nervous, and golden discourse" against the Baptists. The next day they were sent to Boston, where Clarke was sentenced to pay £20, \$96, or be whipped. His neglect to take off his hat when forced into the 1651.
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CHAPTER meeting-house was one charge against him. In a ser-
 mon just before the trial, Cotton declared, that to deny
 1651. infant baptism was to overthrow all, and was there-
 fore soul-murder and a capital offense; and so Endicott
 told the prisoners in passing sentence. He also charged
 Clarke with preaching to the weak and ignorant what
 he could not maintain against the learned, and bade him
 try and dispute "with our ministers." Accordingly,
 from his prison Clarke sent a challenge to the Massa-
 chusetts elders, offering to maintain "that Jesus Christ
 had the sole right of prescribing laws respecting worship;
 that baptism—that is, dipping in water—was an ordi-
 nance to be administered only to those who gave evi-
 dence of repentance and faith; that only such visible
 believers constituted the Church; that each of them had
 the right to speak in the congregation, either to inquire
 for his own instruction, or to prophesy for the edification
 of others; that at all times and in all places they ought
 to reprove folly and justify wisdom; and that no serv-
 ant of Jesus Christ has any authority to restrain any
 fellow-servant in his worship where no injury is offered to
 others." This challenge, however, was evaded. Some
 friends of Clarke paid his fine, and he was released, with
 an injunction to leave the colony.

Crandal, one of Clarke's companions, who had been
 fined £5, was released at the same time. The other
 was Obadiah Holmes, for many years a member of the
 Salem Church, a recent convert to Anabaptism, lately
 excommunicated by the church of Seekonk, in Plym-
 outh, and the more obnoxious on that account. He was
 fined £30. "As I went from the bar," he says, in a
 letter to some friends in London, "I expressed myself
 in these words: 'I bless God I am counted worthy to
 suffer for the name of Jesus.' Whereupon John Wilson

(their pastor, as they call him) struck me before the judgment seat, and cursed me, saying, 'The curse of God, or Jesus, go with thee.'" Some friends offered to pay his fine, but Holmes declined it, and was brought to the whipping-post. "I had such a spiritual manifestation," he writes, "that I could well bear it, yea, and in a manner felt it not, although it was grievous, as the spectators said; the man striking with all his strength (yea, spitting in his hand three times, as many affirmed) with a three-corded whip, giving me therewith thirty strokes. When he had loosed me from the post, having joyfulness in my heart and cheerfulness in my countenance, as the spectators observed, I told the magistrates, 'You have struck me as with roses;' and said, moreover, 'Although the Lord hath made it easy to me, I pray God it may not be laid to your charge.'" John Hazel and John Spur came up and shook hands with the prisoner after his punishment, smiling and saying, "Blessed be God!" They were arrested on the spot for contempt of authority, fined forty shillings, and imprisoned. Returning to Newport, Obadiah Holmes lived to a good old age, and in 1790 his descendants were reckoned at not less than five thousand persons.

Other strict exercises of authority were not wanting. The town of Malden, having presumed to settle a minister without consulting the neighboring churches, was subjected to a fine. The offense thus punished without any law for it—a practice, in those times, too common in Massachusetts—a law was afterward enacted, making it essential to the settling of a minister to have the consent both of a council of neighboring churches and of "some of the magistrates" also.

Some difficulty had occurred in finding a minister for the second church recently constituted in Boston. Ward,

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1651. Peters, Welde, and others had returned to England, and the prospects of promotion there drew off several of the young ministers educated in the colony. Samuel Mather, a recent graduate of Harvard College, preached a while in the new church, and gave some hopes of settling there; but he preferred to go to England, where he obtained the senior fellowship in Trinity College, Dublin, and the rectorship of St. Nicholas in that city. In this emergency, the new church availed itself of the services of Michael Powell, late an inn-keeper at Dedham; and his exhortations proved so acceptable, that the church proposed to settle him as minister. He was "gifted," to be sure, but then he was "unlearned." The General Court interfered to prevent his settlement, to which Powell very meekly submitted. He continued, however, to officiate as ruling elder. The Puritan fathers of New England—those, that is, of the conservative school—esteemed learning as well as "spiritual gifts" essential to a minister.

Williams and Clarke, not allowed to embark from
Nov. Boston, took passage at Manhattan. They were kindly received in England by Sir Henry Vane, then a leading member of the Council of State; and they presently procured the recall of Coddington's commission, and, in spite of the opposition "of all the priests, both Presby-
1652. terian and Independent," the confirmation of the Rhode
Oct. Island charter. Clarke published in London "Ill News from New England," giving an account of his sufferings, to which Cobbett, minister of Lynn, made a reply.

It was upon this occasion that Sir Richard Saltonstall, one of the original founders of the colony, wrote to Wilson and Cotton, ministers of Boston, the following letter:

"Reverend and dear sirs, whom I unfeignedly love

and respect, it doth not a little grieve my spirit to hear what sad things are reported daily of your tyranny and persecution in New England, as that you fine, whip, and imprison men for their consciences. First you compel such to come into your assemblies as you know will not join you in your worship, and when they show their dislike thereof, or witness against it, then you stir up your magistrates to punish them for such, as you conceive, their public affronts. Truly, friends, this your practice of compelling any, in matters of worship, to do that whereof they are not fully persuaded, is to make them sin; for so the apostle (Rom., xiv., 23) tells us; and many are made hypocrites thereby, conforming in their outward man for fear of punishment. We pray for you, and wish you prosperity every way, hoping the Lord would have given you so much light and love there, that you might have been eyes to God's people here, and not to practice those courses in a wilderness which you went so far to prevent. These rigid ways have laid you very low in the hearts of the saints. I do assure you I have heard them pray in the public assemblies that the Lord would give you meek and humble spirits, not to strive so much for uniformity as not to keep the unity of the spirit in the bond of peace. I hope you do not assume to yourselves infallibility of judgment, when the most learned of the apostles confesseth he knew but in part, and saw but darkly, as through a glass; for God is light, and no further than he doth illumine us can we see, be our parts and learning ever so great. O that all those that are brethren, though yet they can not think and speak the same thing, might be of one accord in the Lord!"

To this noble remonstrance—and it was not the first of the same sort which Saltonstall had made—Wilson and

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1651. Cotton wrote a very elaborate reply. They profess to be friends of peace and moderation, but fully justify the punishments inflicted on Clarke and Holmes. "Better be hypocrites," they say, "than profane persons. Hypocrites give God part of his due, the outward man; but the profane person giveth God neither outward nor inward man." "You know not if you think we came into this wilderness to practice those courses which we fled from in England. We believe there is a vast difference between men's inventions and God's institutions; we fled from men's inventions, to which we else should have been compelled; we compel none to men's inventions." Yet, after this downright claim of a divine character for their system, with an inconsistency too common to surprise, they add, "We are far from arrogating infallibility of judgment, or affecting uniformity; uniformity God never required, infallibility he never granted us. We content ourselves with unity in the foundation of religion and church order."

About the same time Williams sent a warm remonstrance to his old friend and disciple Governor Endicott, against these violent proceedings. The Massachusetts theocracy could not complain that none showed them their error. They did not persevere in the system of persecution without having its wrongfulness fully pointed out.

The quantity of wampum in circulation had greatly increased by exactions from the subject Indians and otherwise, while the demand for it was diminished by the decline of the traffic with the Eastern Indians, now almost engrossed by D'Aulney. A finishing blow was given to its currency by an order made in Massachusetts to receive it no longer in payment of taxes. As fast as coin came in by trade with the West Indies, it

was shipped to England to pay for goods. To stop this drain of specie, Massachusetts was induced to try the experiment of a local coinage. A mint was set up at Boston, which coined shillings, sixpences, and three-pences, with a pine tree on one side, and "New England" on the other. These pieces were alloyed one fourth below the British standard—an experiment often tried elsewhere, under the fallacious idea that, thus debased, they would not be exported. Thus it happened that the pound currency of New England came to be one fourth less valuable than the pound sterling of the mother country—a standard afterward adopted by the English Parliament for all the North American colonies. The use of wampum as a currency for small transactions seems, however, to have been kept up till the end of the century and later.

We have already had occasion to allude to the controversy as to bounds and territories carried on by the people of Connecticut and New Haven with their Dutch neighbors. This dispute, of which more will be said in the next chapter, had been recently allayed by an arbitration and a treaty of limits. But very soon it revived again, and with new force, by reason of obstacles put by the Dutch to the re-establishment by New Haven of her former settlement and trading-house on the Delaware. The English Council of State having declared war against Holland, the people of New Haven and Connecticut were anxious, also, for a war against New Netherland. Uncas, the Mohegan sachem, always ready for mischief, spread a report that Ninigret, the Niantic sachem, had visited New Amsterdam during the winter, and had arranged with the Dutch governor a grand plot, in which it was said that even the praying Indians were engaged, for a general Indian insurrection, and the

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CHAPTER murder of all the New England colonists. In conse-
 XII. quence of this report, the Commissioners for the United
 1653. Colonies assembled in special session at Boston, and sent
 May. messengers and interrogatories to Ninigret and Pessacus,
 both of whom totally denied any knowledge of the pre-
 tended plot. Stuyvesant, the Dutch governor, sent also
 an indignant denial, expressing his desire that an inves-
 tigation might be made at New Amsterdam. Three en-
 voys were accordingly sent thither; and to be ready, in
 case "God called the colonies to war," five hundred men
 were ordered to be raised. These envoys, not able to
 agree with the Dutch authorities as to the method of
 proceeding, crossed to Long Island, where they took the
 ex-parte affidavits of several persons, English and In-
 dians, especially of Underhill, who now acted a very zeal-
 ous part against his late Dutch employers. The only
 foundation for the reported Indian plot would seem to
 have been Stuyvesant's having said that, in case the
 English attacked him, he should endeavor to strengthen
 himself with the Indians.

Upon the strength of the testimony thus taken, the
 commissioners assembled at Boston determined on war.
 But the General Court of Massachusetts, in session at the
 same time, desired the opinion and advice of the elders,
 and the documents were referred to a joint committee of
 the court and the commissioners, to prepare a statement
 of facts on which that opinion might be taken. The com-
 mittee could not agree, and two statements were drawn
 up. The elders saw, in the documents laid before them,
 plain evidence of an "execrable plot tending to the de-
 struction of many dear saints of God," but they did not
 find the proofs of it so "fully conclusive as to clear up
 present proceedings to war." Others, however, viewed
 the matter differently. "Many pensive hearts" at Sa-

lem, headed by their minister, sent a memorial to the commissioners, urging the justice and necessity of hostilities. Six out of the eight—the constitutional majority—were sufficiently inclined to this step; but they found an unexpected and insuperable obstacle in the denial, by the General Court of Massachusetts, of any power in the commissioners to declare an “offensive war” except by unanimous consent. An able and eloquent paper, put forth by the court in defense of this position, concluded in the following spirited terms: “It can be no less than a contradiction to affirm that the supreme power, which we take to be the general court of every jurisdiction, can be commanded by others; an absurdity in policy that an entire government and jurisdiction should prostitute itself to the command of strangers; a scandal in religion if a general court of Christians should be obliged to act and engage on the faith of six delegates, against their consciences—all which must be admitted in case we acknowledge ourselves bound to undertake an offensive war upon the bare determination of the commission.”

The session of the commissioners having broken up in disgust, the towns of Stamford and Fairfield, on the Dutch frontier, headed by Ludlow, undertook to raise volunteers and to make war against the Dutch on their own account; but this irregular proceeding was suppressed with a severity so much to Ludlow's dissatisfaction, that he emigrated to Virginia. Despairing of aid from Massachusetts, Connecticut and New Haven united in a solicitation to Cromwell, between whom and Cotton some complimentary letters had lately passed. They besought the Lord General and the Council of State to fit out an expedition for the conquest of New Netherland. Meanwhile, they carried on a warm dispute with Massachu-

CHAPTER XII. sets as to the true interpretation of the articles of union.

1653. At the regular annual meeting of the commissioners this controversy was renewed. The commission seemed to be just on the point of breaking up forever, when the Massachusetts Court, by an ambiguous sort of concession, induced the commissioners to proceed to business.

Sept.

The tributary Indians at the east end of Long Island had complained of hostilities commenced against them by the Niantics. Ninigret, being sent for by order of the commissioners, had returned a "proud, presumptuous, and offensive answer." The commissioners thereupon conceived themselves "called by God to make a present war against Ninigret," and they ordered two hundred and fifty men to be raised for that purpose. Bradstreet, one of the Massachusetts commissioners, dissented from this vote. In his opinion, the United Colonies were under no obligation to protect the Long Island Indians, nor to engage in Indian quarrels, "the grounds whereof they can not well understand." The Massachusetts Court sustained this sensible objection; and as they saw no sufficient reason for war, they "dared not exercise authority to levy men." Thus a second time, by the opposition of Massachusetts, were the commissioners' warlike intentions defeated.

The solicitations addressed to Cromwell were not altogether without success. Robert Sedgwick and John Leverett, the former lately chosen to succeed Gibbons as major general of Massachusetts, the latter one of the recent envoys to New Amsterdam, and late a captain in 1654. the Parliamentary army, were authorized to undertake an expedition against New Netherland, toward which Cromwell, now Lord Protector, furnished four armed ships, with a small body of troops, authority being given to the commissioners to raise more in New En-

gland. Roger Williams entertained grateful feelings to-
 ward the Dutch of New Netherland, and by his inter-
 ference the sailing of this expedition was a little delayed. 1654.

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When the armament arrived in New England the Dutch war was over; and by the time the New England contingents were ready, news of the peace reached Boston. July.

Instead of proceeding against New Netherland, Acadie became the object of attack. It was a time of peace between France and England; but Cromwell alleged that a sum of money, promised by France in consideration of the cession of Acadie, had never been paid, and that the cession, in consequence, was not binding. D'Aulney was dead, and La Tour, lately returned from Hudson's Bay, having married the widow of his old enemy and rival, had thus recovered possession of Port Royal, St. John's, Penobscot, and the other Acadien trading posts. But D'Aulney's principal creditor in France had renewed the old complaints against La Tour, had obtained an order to take possession of all D'Aulney's American property, and for that purpose had just arrived, when both he and La Tour found themselves obliged to surrender to Leverett and Sedgwick. The dexterous La Tour now revived his claims under the old grant to his father from Sir William Alexander; and, two years after, Cromwell made a new grant of Nova Scotia to La Tour, Crowne, and Thomas Temple, brother of the celebrated Sir William Temple, and soon sole proprietor.

Some three years previous to the present time, the bankrupt Gibbons had removed to Maryland, being appointed by the proprietary admiral of that colony and one of the council. He built a wind-mill at St. Mary's; but, dying there this year, his widow transferred the mill to Lord Baltimore in payment of a debt of £100 due by her late husband to his lordship. Previous to the

CHAPTER surrender of Acadie he had twice sent to La Tour to
 XII. demand payment of his old debt, now swelled by inter-
 1654. est and charges to more than £4000, but it does not
 Sept. appear that he met with any success.

At the next annual meeting of the Commissioners for the United Colonies, Bellingham having been this year chosen governor in Endicott's place, and the New Netherland question being now out of the way, Massachusetts yielded the disputed point of interpretation, and war was declared against Ninigret. Two hundred and seventy men were voted for an expedition against him, the choice of commander being left to Massachusetts, which was to furnish the greater part of the troops. Major Willard, appointed upon this service, marched with orders to compel Ninigret to give up those Pequod subjects of his for whom the tribute was in arrear; to give satisfaction for his past misconduct; to leave the Long Islanders in peace; and to pay the expenses of the present expedition. But Ninigret "swamped himself," and the troops presently returned, upon the strength of an illusive stipulation on his part to give up the Pequods. This bootless result gave great dissatisfaction in the other colonies, where it was even alleged that Massachusetts, by the choice of an incapable commander, if not, indeed, by secret instructions, had purposely defeated the object of the expedition.

The Lord Protector Cromwell had no sooner made peace with the Dutch than he declared war against Spain, and dispatched a fleet and army under Penn and Venables to attack the Spanish West Indies. Winslow, who had hitherto remained in England as agent for Massachusetts, in which office he was presently succeeded by Leverett, went in this fleet as one of Cromwell's commissioners to superintend the conquered countries. By volunteers from Barbadoes and the Leeward Islands, the

army was raised to ten thousand men, the first of those great armaments, so many of which were subsequently sent from Europe to perish in the West Indies from the effects of the climate. St. Domingo was the object aimed at; but from that island the expedition was repulsed with disgrace. The fleet then proceeded to Jamaica, of which possession was taken. At the date of its conquest that island contained but a few thousand inhabitants, partly enervated descendants of the old Spanish colonists, partly negro slaves, who took that opportunity to escape into the interior, and to establish there an independent community, conspicuous afterward in the history of the island. Sedgwick, appointed by Cromwell to succeed Winslow, who had died shortly after the repulse from St. Domingo, found things, on his arrival at Jamaica, "in a sad, deplorable, and distracted condition;" the soldiers, a large part of them from the English West India settlements, "so lazy and idle as it can not enter into the heart of any Englishman that such blood should run in the veins of any born in England." As the other commissioners were dead, in conjunction with the principal military officers, Sedgwick framed an instrument of government, constituting a Supreme Executive Council, with himself at the head. Cromwell was very anxious to people the island, possession of which he was determined to retain. A thousand girls and young men were ordered to be listed in Ireland and sent over. The administrators of the Scottish government were directed to apprehend all "known idle, masterless robbers and vagabonds, male and female," for transportation thither; and that there might be a due admixture of religion and energy, agents were dispatched to New England for emigrants. The people of New Haven, disappointed and unsuccessful in their mercantile undertakings, were impoverished, uneasy, and

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disposed to remove. They had entertained thoughts of transferring themselves to Ireland, where Cromwell had
1654. made extensive confiscations. The Protector was anxious they should remove to Jamaica ; and, with his usual art, employed for that purpose arguments addressed to their peculiar religious ideas. But the magistrates opposed this migration, and very few went. Sedgwick was raised by Cromwell to the rank of major general, with the supreme command of the island, but died shortly after receiving the appointment. Vassall presently migrated thither, and established several valuable plantations.
1655. As the incursions of the Niantics into Long Island still continued, a vessel was fitted out by the Commissioners for the United Colonies to cruise in the Sound, to intercept their canoes. Uncas, presuming on the protection of his white allies, grew more turbulent and overbearing than ever. He soon became involved in quarrels with his neighbors, in which he strove to engage the colonists also ; but this time they resolved to let the Indians fight it out. The Pequods who had been placed under Uncas's authority had repeatedly complained of his oppressions. At first these complaints had been very coldly received ; but the misbehavior of Uncas became now so notorious, that the remnants of the Pequods, relieved from his yoke, were allowed to settle in two villages, one on each side of the Mystic River, under rulers selected for them by the Commissioners for the United Colonies. Humphrey Atherton, Sedgwick's successor as major general of Massachusetts, was appointed superintendent of all the subject Indians, an office in which he was speedily succeeded by Daniel Gookin, whose emigration from Virginia has been formerly mentioned. The sale of horses or boats to the Indians was strictly prohibited and the Commissioners for the
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United Colonies suggested that, in case of war, "mastiff dogs might be of good use." CHAPTER
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The "great Cotton," now dead, was succeeded in the church at Boston by Norton; not, however, without loud reclamations on the part of the people of Ipswich, from whom he was thus taken away—complaints which it required the authority of the General Court and of several ecclesiastical councils to quiet. Hitherto, in Massachusetts, the settlement of ministers had been left to the zeal of the churches. But a law lately passed, though not without a good deal of opposition, required every town to support a minister, the burden to be laid "upon the whole society jointly, whether in church order or not." This enactment would have troubled Cotton, who esteemed it an evident sign of a declining state of religion when law had to be resorted to for upholding the religious establishment. 1655.
1654.

It was also enacted that none should be allowed to sit as deputies in the General Court who did not hold to the orthodox creed. The laws against the Baptists were rigidly enforced. Dunster, the learned president of Harvard College, indicted, tried, and fined for the expression of Anabaptist opinions, was obliged to resign his office. Chauncy, his no less learned successor, was somewhat infected with the same errors; for, though he admitted infant baptism, he held to the practice of immersion. But he promised to keep his opinions to himself.

Massachusetts even undertook a supervision of her neighbors of Plymouth, whom she represented to the Commissioners for the United Colonies "as wanting to themselves in a due acknowledgment of, and encouragement to, ministers of the Gospel." Nor was this complaint without effect. The General Court of Plymouth passed a law the next year requiring the towns to tax 1656.
Sept.
1657:

CHAPTER XII. themselves for the support of ministers and grammar schools—a policy warmly favored by Thomas Prince, 1657. successor to Bradford in the office of governor, which station Bradford had held ever since the foundation of the colony, five years excepted, in which “by importunity he got off,” and Winslow and Prince supplied his place. Prince, like Bradford, was one of the original Plymouth Pilgrims, but more inclined than his predecessor to go the full length of the Massachusetts policy. He was annually re-elected for the next sixteen years.

Connecticut had lost the services of Haynes and Hopkins, so long alternate governors. Haynes was dead; Hopkins had gone to England, where he received high promotion from Cromwell. Thomas Wells was governor in 1655 and 1658; John Webster in 1656, and John Winthrop the younger in 1657, 1659, and, the law of rotation being repealed, the five following years also.

After publishing in England a rejoinder to Cotton, “The Bloody Tenet yet more Bloody by Mr. Cotton’s Attempt to wash it White,” also a tract entitled “The Hireling Ministry none of Christ’s,” Roger Williams, leaving Clarke to guard the interests of Rhode Island at 1654. the court of the Protector, had returned to New England June. in Leverett’s fleet, with a letter of safe-conduct from Cromwell’s council, securing to him free passage at all times through all parts of the United Colonies.

The Narraganset plantations, meanwhile, had fallen into no little confusion. William Dyer, former secretary, had arrived about a year previously, with the order of the Supreme Council of State vacating Coddington’s commission, and continuing the Providence charter in force till further order. 1653. Dyer took upon himself to call a convention Feb. 18. at Portsmouth to consider these letters. But some misunderstanding arose as to whether the legislative and judi-

cial acts during the separation should be esteemed valid or not; and, at the ensuing election, the towns on the island and those on the main organized separately. The new government on the island demanded the records of Coddington, but he fled with them to Boston. The war with Holland being then pending, Dyer, who had ruined himself by contentions and lawsuits with Coddington, obtained a commission to himself and Captain Underhill to act against the Dutch of New Netherland, and a piece of cannon and twenty men were sent to co-operate with the English settlers on the east end of Long Island, plunder being the great object. It was at this very time that the Commissioners for the United Colonies were defeated in their design of declaring war against New Netherland by the firmness of Massachusetts. Providence and Warwick also protested against being drawn into a war with the Dutch. The disputes reached a high pitch; and Williams, returning home, brought with him an admonitory letter from Sir Henry Vane, who had lately retired from the public service, in consequence of Cromwell's violent close of the Rump Parliament, and the subsequent dissolution of the Council of State. That old friend of the colony inquired, "How is it that there are such divisions among you—such headiness, tumults, disorder, injustice? The noise echoes into the ears of all, as well friends as enemies, by every return of ships from those parts. Are there no wise men among you—no public, self-denying spirits?" And the letter ends with urging union and reconciliation.

The reception of Williams was at first so dubious, and his attempts at conciliation so little regarded, that he declared himself "like a man in a fog." He found it necessary to address a very plain and strong remonstrance to his fellow-townsmen of Providence, recapitulating his

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- labors and services in behalf of the colony, and for the cause of "freedom of conscience," both of which were now put to hazard by their senseless contentions. This remonstrance had the desired effect; the town agreed upon steps toward conciliation; and Williams was de-
1653. Aug. 27. puted to answer Vane's letter. Having recounted, by way of "first answer" and excuse for their dissensions, the misbehavior of Coddington and Dyer, the letter adds: "Our second answer is (that we may not lay all the load upon other men's backs), that possibly a sweet cup hath rendered many of us wanton and too active; for we have long drunk of the cup of as great liberties as any people that we can hear of under the whole heaven. We have not only been long free (together with all New England) from the iron yoke of wolfish bishops and their popish ceremonies (against whose cruel oppressions God raised up your noble spirit in Parliament), but we have sitten quiet and dry from the streams of blood spilled by that war in our native country. We have not felt the new chains of the Presbyterian tyrants, nor, in this colony" —a significant parenthesis—"have we been consumed with the over-zealous fire of the so-called godly ministers. Sir, we have not known what an excise means; we have almost forgot what tithes are, yea, or taxes, either to church or commonwealth. We could name other special privileges, ingredients of our sweet cup, which your great wisdom knows to be powerful, except with more than ordinary watchfulness, to render the best of men wanton and forgetful."
- Aug. 31. Commissioners from the four towns presently met, when it was agreed that all past acts should be valid, and the government for the future according to the charter.
- Sept. 12. At a general election, held shortly after, Williams was chosen president, and letters of "humble thanksgiv-

ing" were ordered to be written to his highness the Lord Protector and Sir Henry Vane. CHAPTER
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Hardly was Williams installed in office when a paper was sent to the town of Providence, no doubt by one Harris, who proclaimed similar sentiments at the next court of elections, "against all earthly powers, Parliaments, laws, charters, magistrates, prisons, punishments, rates, yea, against all kings and princes," and "that it was blood-guiltiness and against the rule of the Gospel to execute judgment upon transgressors." 1653.

To this doctrine of non-resistance and no government, not altogether without its advocates even at the present day, Williams made the following answer: "That ever I should speak or write a tittle that tends to such an infinite liberty, is a mistake which I have ever disclaimed and abhorred. To prevent such mistakes, I at present shall only propose this case. There goes many a ship to sea, with many hundred souls in one ship, whose weal and woe is common, and is a true picture of a commonwealth, or a human combination or society. It hath fallen out sometimes that both Papists and Protestants, Jews and Turks, may be embarked into one ship. Upon which supposal I affirm that all the liberty of conscience that ever I pleaded for turns upon these two hinges—that none of the Papists, Protestants, Jews, or Turks be forced to come to the ship's prayers or worship, nor compelled from their own particular prayers or worship, if they practice any. I never denied that, notwithstanding this liberty, the commander of this ship ought to command the ship's course; yea, and also command that justice, peace, and sobriety be kept and practiced both among the seamen and all the passengers. If any of the seamen refuse to perform their service, or passengers to pay their freight; if any refuse to help in

CHAPTER XII. person or purse toward the common charges or defense, if any refuse to obey the common laws or orders of the
 1653. ship concerning their common peace and preservation; if any shall mutiny and rise up against the commanders and officers; if any should preach or write that there ought to be no commanders nor officers, because all are equal in Christ, therefore no masters nor officers, no laws nor orders, no corrections nor punishments, I say I never denied but in such cases, whatever is pretended, the commander or commanders may judge, resist, compel, and punish such transgressors according to their deserts and merits."

The administration of the colony thus again reorganized, Williams was rechosen governor at the next general election. A letter having also arrived from Cromwell confirming the government as now established, Codrington presently made his appearance at a General Court, and freely submitted "with all his heart;" and he and Dyer, who had been engaged in violent lawsuits and contentions, signed a paper signifying their submission to an award of five referees, of whom Gorton was one, for the settlement of all disputes between them.

The only difficulties that now remained were those growing out of the opposition of William Arnold and one or two others, who had submitted to Massachusetts, and out of the depredations of the two sachems of Shawomet, vassals also of that colony. On this subject Williams addressed a letter to Governor Endicott, reminding him of the suit by Gorton's company pending before his highness and the lords of the council for £2000 damages, and complaining of the conduct of the English and Indian adherents of Massachusetts, and also of a law of non-intercourse, by which it was forbidden to sell to Rhode Island arms and ammunition even "in this bloody and

massacring time"—an allusion to the internal wars then pending between the neighboring Indians. The letter closed with intimating an appeal to his highness and his council. This intimation was not without its effect. The magistrates of Massachusetts stood in some awe of Cromwell, to whom they had lately forwarded a congratulatory address. Williams was presently invited to Boston, where he presented a memorial to the General Court, reiterating his former complaints, as to which some redress was now granted.

Attention, indeed; in Massachusetts, was speedily absorbed by a new influx of heretics, in comparison with which, Antinomians, Anabaptists, Familists, and Seekers sunk into insignificance. At the same meeting of the Commissioners for the United Colonies at which Massachusetts had complained of the neglect of Plymouth in providing support for her ministers, information was given to that board of the arrival in Massachusetts of "several persons professing themselves Quakers, fit instruments to propagate the kingdom of Satan," and the commissioners were earnestly entreated to recommend to all the colonies "some general rules to prevent the coming in among us from foreign places of such notorious heretics." The immediate occasion of this alarm was the arrival at Boston of two women from Barbadoes, whose names, "after the flesh," were Mary Fisher and Ann Austin. Their trunks had been examined, and their books burned by the common hangman. The women themselves had been thrown into prison, and their persons searched for "signs" of witchcraft.

The popular faith in witchcraft had just been gratified by the execution of no less a person than Anne Hibbins, sister of Bellingham, and widow of a magistrate, the late colleague of Peters and Welde in the

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CHAPTER agency of the colony. This unfortunate woman's tem-
XII. per had been soured—she had been, perhaps, a little craz-
1656. ed—by the unsuccessful result of an expensive and tedi-
ous lawsuit. The story circulated that she was a witch,
and at length a formal accusation was brought against
her. With the suspicious temper so natural to persons
in her state of mind, she had unluckily conjectured that
two persons whom she saw talking together in the street
must be talking about her, and chiefly on that fact the
jury found her guilty. The magistrates refused to ac-
cept the verdict, and the case went up to the General
Court. The deputies were resolved that the culprit's
high connections should not save her, and even those
magistrates and ministers who thought her innocent did
not dare to encounter the popular prejudice. So she was
condemned and executed, as Norton jocosely remarked,
“only for having more wit than her neighbors.”

No “devil's teats” nor other signs of witchcraft could be
found on the Quaker women. Nothing could be charg-
ed against them except heresy, of which, after five weeks'
imprisonment, they were found guilty, and, in conformity
to the law, were “thrust out of the jurisdiction.” Nine
other Quakers, men and women, who arrived soon after
from London, experienced similar treatment. Thus ex-
pelled from Massachusetts, Mary Fisher turned her at-
tention to what she esteemed the next most pressing field
of labor, and set off accordingly for Constantinople. The
Mohammedans find it difficult to distinguish between in-
spiration and insanity, and regard with veneration and
awe all persons of exalted imagination. The Quaker
prophetess passed unharmed through the Turkish armies,
and was even admitted to an audience of the grand vizier.
A friendly letter was sent by Gorton to the imprisoned
Quakers, to which they replied, and he rejoined in a sec-

ond letter. He concurred with them as to the doctrine of inner light, but not as to non-resistance. His letters, however, were consolatory, not controversial. CHAPTER
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The Quaker sect, recently sprung up in England under the preaching of George Fox, was one among many other results of that violent fermentation of opinions among part of the English Puritans, which Cromwell, to the horror of the conservative Presbyterians, allowed to go on almost unchecked. It was, in fact, by the aid of the progressive section of the Puritans known as Independents, small in number, but full of ardor and energy, champions of spiritual freedom against Presbyterian and Congregational as well as prelatial supervision, that Cromwell had raised himself to the head of affairs. Of all these Independent sects, none proceeded so far as the Quakers in throwing off the yoke of authority. The Romish and the English churches were founded on ecclesiastical tradition; as a part of which, the Bible was included. The Puritans, setting aside all other traditions, professed to hold to the Bible alone, and in this point Presbyterians, Congregationalists, and Baptists agreed. The Quakers alleged that even the Bible was but a mere dead letter unless illumined by what they called the "inner light"—a divine spark more or less bright, innate in every human bosom—the only ultimate and unerring test of truth and right. This, indeed, was but one form of asserting that privilege of private judgment which all the Protestant churches zealously maintained as against Rome and the pope, but which not one of them would allow as against themselves—a right which Roger Williams, Mrs. Hutchinson, and Samuel Gorton had so unsuccessfully attempted to exercise in Massachusetts. But this "inner light," on which the Quakers relied, and to which, when it prompted them to speak

CHAPTER or act, they gave the name of "the Spirit," was not, in
 XII. their idea of it, man's natural reason, which they held
 1656. in as great contempt as religious enthusiasts commonly do. They described it rather as a sort of inspiration, a divine illumination superior to reason, and often apparently in contradiction to it. It was, in fact, but a whimsical, superstitious, ill-informed, passionate, narrow, ill-regulated reason, right, no doubt, upon many important points, but often exaggerated; unwilling or unable to justify itself by argument or fact, and hastening to cut short all objections and to make a deep impression on the imagination by claiming for itself somewhat of intuition and divinity.

Under the guidance of this inner light the Quakers denounced war, of which, after a long interval, the British Isles had recently tasted all the horrors—horrors which had driven even the philosophic Hobbes to advocate passive obedience as a means of peace. Relying upon certain texts of the New Testament, they not only refused to bear arms, but even held to the doctrine of pure non-resistance, thus placing themselves in direct and striking opposition to the great body of the Puritans, who relied upon "the sword of the Lord" as one grand means of religious reformation—a means, however, of which Cromwell's relentless slaughter of the Irish Catholics had lately given a most cruel specimen, such as might well raise doubts in every mind humanely disposed.

The Quakers denounced persecution for religious opinions, recognizing in all some mixture of truth. They went upon this point far beyond the rest of the Independents, who claimed, indeed, a certain liberty of opinion for "the saints," but without being willing to extend it, as the Quakers would, to Catholics and Prelatists, Socinians

and infidels. Without absolutely objecting to political authority, for which, as an ordinance of God, they professed, indeed, a certain reverence, the Quakers denounced, as a sort of idolatry, the slavish homage demanded of their subjects by rulers. They esteemed it an encroachment on the worship due only to the Supreme Being; and, in testimony of their opinions upon this point, when brought before magistrates, they resolutely refused to take off their hats. They held to the spiritual equality of the sexes, and that women, being thereunto moved by the Spirit, had as much right to preach and prophecy as men. They condemned in the severest terms all ordained and paid priesthoods—a point in which the Anabaptists warmly concurred with them. They regarded the Christian sacraments as of no more permanent obligation than the Jewish ceremonial law; they rejected, indeed, all religious forms except a few of the very simplest. Relying on a literal interpretation of Scripture—a sort of interpretation on which they zealously insisted whenever the literal sense coincided with their views—they refused to take oaths; and their conduct in this respect struck a decisive and alarming blow at a means deemed by rulers of the utmost importance for pressing the religious sentiment into the service of government. The Puritans derived their system of theology, politics, and morals mainly from the Old Testament, with Paul's Epistles for a commentary; the Quakers drew theirs chiefly from the Gospels, particularly that according to John, in which they found a symbolizing style of expression, full of strong but vague metaphors, peculiarly suited to their state of mind. They had no sympathy for, they set themselves, indeed, in direct opposition to, that fierce, bigoted, domineering disposition which the mass of the Puritans had imbibed from the

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Old Testament, but they fully participated in that spirit of asceticism by which, indeed, all enthusiastic sects have ever been distinguished, and which naturally results from the predominance of the imagination, or the spiritual, over the senses, or the carnal. Hence, in common with the rest of the Puritans, they zealously condemned the vanity of all personal adornments; they regarded even the perception of beauty as a mark of worldly-mindedness; and poetry, music, and the fine arts as dangerous triflings, provocatives of sin. Laying aside all the flattery and falsehoods of politeness, they sought to bring back language to the simplicity of "yea" and "nay," "thee" and "thou." They denounced all those ceremonies introduced into social intercourse by pride, vanity, and the distinction of ranks. Rejecting all other prefixes, they addressed all by the plain title of "Friend," by which also they designated themselves. The Quakers might be regarded as representing that branch of the primitive Christians who esteemed Christianity an entirely new dispensation, world wide in its objects; while the Puritans represented those Judaizing Christians who could not get rid of the idea of a peculiar chosen people, to wit, themselves.

The converts to this new sect, wrought up to the highest pitch of enthusiasm, taking for their example the prophets of the Old Testament and the apostles of the New, went about under a divine impulse, or illumination, as they supposed, vehemently denouncing existing religious establishments and practices; and, often setting at defiance all received rules of subordination and decorum. They resorted to a more modern method of propagating their doctrines, in the distribution of printed tracts—a method which the existing ferment of opinions in England had then lately first brought into fashion.

The appearance of these fervid enthusiasts in New En-
 gland threw the theocracy into the greatest alarm. The
 existing laws of Massachusetts against heretics were not
 thought sufficient for the occasion. A special law was
 presently enacted, in the preamble of which the Quakers
 were denounced as "a cursed sect of heretics lately ris-
 en in the world." To bring a "known Quaker" into
 the colony was made punishable by this law with a fine
 of £100, besides bonds to carry him back again, or,
 in default thereof, imprisonment. The Quaker him-
 self was to be whipped twenty stripes, sent to the house
 of correction, and kept at hard labor until transported.
 The importation or possession of Quaker books was
 strictly prohibited; all such books were to be brought
 in to the nearest magistrate to be burned. Defending
 Quaker opinions was punishable with fine, and, on the
 third offense, with the house of correction and banish-
 ment. Even these enactments did not suffice. By a
 law of the next year, the fines before imposed, were in-
 creased; every hour's entertainment of a known Quaker
 was subjected to a fine of forty shillings; every male
 Quaker, besides former penalties, was to lose one ear on
 the first conviction, and on a second the other; and both
 males and females, on the third conviction, were to have
 their tongues bored through with a red-hot iron. Plym-
 outh, Connecticut, and New Haven, on the recommend-
 ation of the Commissioners for the United Colonies,
 adopted similar laws.

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1656.

Oct.

1657.

May.

An urgent letter was addressed to Rhode Island, where
 Benedict Arnold had succeeded Williams as president,
 protesting against the toleration allowed to Quakers, and
 intimating that refusal to conform to the policy of the
 United Colonies would be resented by a total non-inter-
 course Coddington and other principal men afterward

Sept. 25.

CHAPTER XII. joined the Quakers; but, as yet, little sympathy was felt in Rhode Island for their peculiar opinions. The
 1657. people of that colony adhered, nevertheless, with admirable consistency, to their great principle of religious liberty. In reply to a second application on the subject, they stated that, "to those places where these people are most of all suffered to declare themselves freely, and are openly opposed by arguments in discourse, they least desire to come, so that they begin to loathe this place, for that they are not opposed by the civil authority, but with all patience and meekness are suffered to say over their pretended revelations; nor are they like or able to gain many here to their way." "Surely," adds this very sensible letter, "they delight to be persecuted, and are like to gain more adherents by the conceit of their patient sufferings than by consent to their pernicious sayings." But neither good advice nor good example made any impression on the United Colonies. A new law of Massachusetts, imposing fines on all who attended Quaker meetings, or spoke at them, did but increase the disposition to speak and to hear. In spite of whippings, brandings, and cropping of ears, the banished Quakers persisted in returning. They flocked, indeed, to Massachusetts, and especially to Boston, as to places possessed with the spirit of intolerance, and therefore the more in need of their presence and preaching.

While thus beset by enemies from without, the theocracy experienced also some opposition from within. Though constantly stretching its power, it did not take a single step in advance without encountering a vigorous resistance, of which a new instance was now exhibited. Cobbett, minister of Lynn, the persecutor of Clarke and Holmes, having had his salary reduced to £30 a year—in consequence of which, as we are told, the

town suffered a judgment by a loss of cattle destroyed by a sudden disease to the value of £300—had removed to Ipswich, which town voted to give him £100 to buy or build a house—that sum to be levied “on all the inhabitants.” Some of the inhabitants resisted, and, distress being made, George Giddings, whose pewter platters had been seized to answer the tax, brought an action for damages before Samuel Symonds, one of the magistrates. Symonds sustained the action on the ground “that it is against a fundamental law of nature to be compelled to pay that which others do give.” The case was carried by appeal first to the County Court, and then to the General Court. The deputies were disposed to sustain Symonds’s decision; but, through the influence of the magistrates, it was finally carried the other way, and the right of the town to impose the tax was sustained.

In hopes to put a stop to the annoyance of returning Quakers, the Commissioners for the United Colonies finally recommended that such as returned a second time should suffer death. The name of the younger Winthrop, who sat as one of the commissioners for Connecticut, a man of much more tolerant spirit than his father, is affixed to this vote; not, however, without the following qualification: “Looking at it as a quere, and not as an act, I subscribe.” But it did not long remain a quere. In spite of a vigorous resistance on the part of the deputies, a law for the capital punishment of returned Quakers was presently enacted in Massachusetts, and Marmaduke Stephenson of Yorkshire, William Robinson of London, and Mary Dyer of Newport, were soon found guilty under it. Mary Dyer, formerly a conspicuous disciple of Mrs. Hutchinson, widow of William Dyer, late recorder of Providence Plantation, was reprieved on the scaffold, after witnessing the execution of her two compan-

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1657.

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Sept. 23.

Oct

1659.

Oct. 20.

Oct. 27.

- CHAPTER XII.
ions, and set at liberty on petition of her son, on condition of leaving the colony in forty-eight hours. The
1659. magistrates vindicated the execution of the other two in a long Declaration, in which they dwelt with emphasis on the case of Mary Dyer, as proof that they sought "not the death, but the absence of the Quakers." There was this peculiarity, indeed, in all the New England persecutions, with the single exception of Gorton's case, that heretics were persecuted, not so much as enemies of God, whom it was fit and meritorious to punish, but rather as intruders, whom it was desirable to get rid of, or at least to silence. Mary Dyer, however, did not escape. Impelled by "the Spirit," she presently returned again to "the bloody town of Boston," where, like her fellow-
1660. convicts, she underwent death by hanging. The fortitude, and even triumphant joy with which these victims met their fate, the sympathy which their execution excited, and the readiness with which their places were supplied by others, prepared and even anxious for a like extremity, alarmed and intimidated the magistrates. Not only the doubtful effect in the colony, but the late revolution in England, and the uncertainty how these proceedings might be regarded there, gave additional reason to hesitate. Several other returned Quakers were sentenced to death, but only one more execution, that of
1661. William Leddra, took place. Several others, condemned
- March 14. to death, were pardoned and discharged upon acknowledgment of their error.

To prevent, as far as possible, the multiplication of these capital cases, the General Court, "willing to try all means, with as much lenity as may consist with safety," provided by a new law that any vagabond coming into the jurisdiction should be arrested wherever found, and carried before the nearest magistrate, and, being

May.

proved, by confession or otherwise, to be a Quaker, should be delivered, under the magistrate's warrant, to the constable of the town, "to be stripped naked from the middle upward, and tied to a cart's tail and whipped through the town, and thence be immediately conveyed to the constable of the next town toward the borders of our jurisdiction, and so from constable to constable, to any the outermost town," and so to be whipped over the border. This process, in case of return, was to be twice repeated. Those who came in a fourth time were to be arrested and committed to the house of correction for trial at the next court; and such as the court did not judge meet to release were to be branded on the left shoulder with the letter R., severely whipped, and then flogged, as before, out of the jurisdiction. If, after all this discipline, any persisted in returning, they were to be proceeded against "as incorrigible rogues and enemies of the common peace," under the law of banishment, with pain of death if they returned. Those residents who became Quakers were first to be thrust out of the jurisdiction, and, if they came back, were to be proceeded against as vagabond Quakers.

Meanwhile the philanthropic Eliot was pursuing his missionary labors, for the support of which the society in England now annually remitted a sum equivalent to about \$3000. Out of this fund upward of twenty teachers, several of them Indians, received salaries of from \$50 to \$250 each, and a number of Indian youth were supported and educated. No impression could be made on the Wampanoags and Narragansets, notwithstanding the threats of the praying Indians, recorded by Williams, that unless they submitted to the Gospel, Massachusetts "would destroy them by war." Even Uncas, the tool and favored ally of the colonists, was inflexible on this

CHAPTER point, as were most of the sachems, and especially the
XII. pow-wows or priests. Eliot had compiled a form of gov-
1660. ernment for his converts, based on the institutions of
Moses; but the Commissioners for the United Colonies,
who had the general oversight of the missions, and the
administration of the funds, advised him to be cautious
how he interfered too much with the authority of the
chiefs. Not content with Christianizing, Eliot wished
also to civilize the Indians; indeed, he held civilization
essential to Christianity. But he found it much easier
to imbue his converts with his theological ideas than to
habituate them to settled life and regular labor. Wine
and rum, freely imported from Madeira and the West In-
dies, proved a sore temptation to the converts, unprinci-
pled traders violating the laws which forbade selling to
the Indians. Difficulties still more insurmountable were
encountered in the violent prejudices of caste which pre-
vailed in New England. The first emigrants seem to
have entertained hopes of incorporating the Indians into
1633. their commonwealth. A very early law had provided for
the assignment of lands to such Indians as might become
civilized, and for organizing them into townships. But
the theocratic section of the Puritans were not the men
for a work requiring an enlarged benevolence, a patient
forbearance, and a respect for human nature which formed
no part of their creed. In spite of Eliot's attempts to
trace the Indians from the ten lost tribes of Israel, they
were despised as savages by the Puritan colonists, and
hated as heathen. Familiar with all the stern details
of the Old Testament history, the colonists compared
themselves to the Israelites, the natives to the Canaan-
ites, and New England to the promised land. It was
even suggested that the Indians might be naturally as
well as figuratively the children of the devil, whose de-

vout worshipers they were believed to be, and his willing pupils in sorcery and witchcraft—mere names to us, but to our fathers horrible and most detestable realities. 1660.

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The colonists, however, did not act up to their model. The Pequod territory and some other tracts were claimed by conquest, but in general the Indian title was purchased. The prices appear small; a coat or a few hatchets paid for a township. The value, in fact, was very little; but it may well be questioned how far the chiefs from whom these purchases were made had any authority to alienate the lands of their tribe, or how far they understood to what extent they were parting with their title. That justice toward the natives, upon which the colonists of New England prided themselves, was conscientious, indeed, but narrow and very vindictive; alike ignorant and careless of the views, feelings, and usages of the Indians; holding them responsible to a strict and austere code, little consonant, on many points, to their habits or ideas; and ascribing to the chiefs an extent of authority, and a control over their people, which they did not by any means actually possess. In all their intercourse with the Indians, they insisted strenuously, as in the instructions to Gibbons when marching against the Narragansets, “on the distance which is to be observed betwixt Christians and barbarians, as well in war as in other negotiations.”

The feelings of hatred, distrust, and contempt with which the natives were generally regarded, extended even to the “praying Indians,” as the converts were called. They were suspected by the mass of the colonists of being secretly in league with the Dutch, and parties to the supposed hostile designs of the Narragansets. To judge by their cautions to Eliot, the Commissioners for the United Colonies, who administered the mission fund, were

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very strongly suspicious lest the converts "should only follow Christ for loaves and outward advantage." It was only by steady perseverance and oft-repeated importunities that Eliot so far gained upon prevailing prejudice as to obtain liberty to organize a church at his Indian town of Natick. The missions received little, if any aid from the colonists, being sustained by the contributions from England. Out of that fund were printed Eliot's Indian Grammar, Psalm Book, and Catechism, followed first by the New Testament, and presently by the Old, translated by that indefatigable laborer into the Massachusetts dialect, and printed at Cambridge—the first American edition of the Bible. Out of the same fund, also, a small building was erected at the college for the special use of Indian students. Many Indians were taught to read and write, and one graduated at the college. Other villages besides that at Natick, and other churches, were formed. But these converted and civilized Indians were still treated in every respect as a distinct and an inferior race, restricted to villages of their own, and cut off by opinion as well as by law from intermarriage and intermixture with the whites. What wonder, in spite of all Eliot's zeal and devotedness, that this scheme for civilizing and Christianizing the Indians proved in the end an almost total failure?

CHAPTER XIII.

NEW SWEDEN. PROGRESS OF NEW NETHERLAND. ITS
CONQUEST BY THE ENGLISH.

IT was not against English encroachments alone that the Dutch of New Netherland had to contend. Ussellinx, the original projector of the Dutch West India Company, dissatisfied, as often happens, at his treatment by those who had availed themselves of his projects, had looked round for a new patron. To Gustavus Adolphus, king of Sweden, greatly distinguished a few years afterward by his victories in Germany, which saved the Protestants of that empire from total ruin and raised Sweden to a high pitch of temporary importance, Ussellinx proposed a plan for a Swedish trading company. This plan the king inclined to favor, and a charter for such a company was presently issued. But the scheme was cut short by the breaking out of the German war, and the untimely death of the hero of the north at the victorious battle of Lutzen. The plan of Ussellinx, or a portion of it, was revived by Peter Minuet, whom we have formerly seen director of New Netherland, and who, after his recall from that government, went to Sweden, where he was patronized by the celebrated Oxenstiern, minister of Queen Christina, the daughter of Gustavus. Furnished, by his assistance, with an armed vessel, the Key of Calmar, a tender called the Griffin, and fifty men, Minuet set sail to establish a Swedish settlement and trading post in America. He touched at Jamestown, in Virginia, took in wood and water, and, during a stay of ten days, endeavored to pur-

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1626.

1630.

1633.

1638.

March.

CHAPTER XIII. chase a cargo of tobacco, but refused to show his papers, or to state the object of his voyage, which was likely to
 1638. conflict with the claims of the English as well as of the Dutch. Afterward, when he entered the Delaware, he told the Dutch traders whom he met that his visit was only temporary. But presently he bought of the Indians a tract of land near the head of the bay, on the west shore, where he built a fort called *Christina*, in honor of the Swedish queen—first commencement of the colony of NEW SWEDEN.

June. Kieft, the director of New Netherland, greatly dissatisfied at this intrusion, maintained, in repeated protests, that the whole South River and Bay, as Minuet well knew, belonged to the Dutch, having been in their possession many years, "above and below beset with their forts and sealed with their blood." But to these protests Minuet paid no attention. He presently sailed for Sweden, leaving a garrison behind of twenty-four men, well supplied with arms, goods, and provisions. Not strong enough to attack the Swedish fort, or unwilling to take the responsibility, Kieft referred the subject to the company. Sweden, then at the head of the Protestant interest in Europe, was a powerful state, collision with which was not to be risked, and the company did not authorize interference with the Swedish settlers.

Sept. The wiser course was adopted of seeking to raise the Dutch province from a mere trading station to a prosperous colony. A proclamation was issued, offering free trade to New Netherland in the company's ships, and transportation thither to all wishing to go. The company offered to provide immigrants with lands, houses, cattle, and farming tools at an annual rent, and to supply them with clothes and provisions on credit, at an advance of fifty per cent. on the prime cost. The colo-

ny of Pavonia had been lately purchased up for \$10,400, so that of the three large patroonships only Rensselaerswyk remained. By a new "charter of privileges and exemptions," patroonships were limited for the future to four miles of frontage on navigable waters, with a depth of eight miles. Every person transporting himself and five others to the colony was to be entitled to two hundred acres of land; and such villages and towns as might be formed were to have magistrates of their own. The prohibition against making cloths was repealed. The monopoly of the Indian trade was also relinquished, and, in place of it, a moderate export duty was imposed; but the company still maintained the monopoly of transportation to and from the colony. The Dutch Reformed Church was declared the established religion, to be alone publicly taught; and the company undertook to provide preachers, schoolmasters, and "comforters of the sick."

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1640.
July 17.

Under this new arrangement a number of immigrants came from Holland, some of them men of means. Some English indented servants, who had served out their time in Virginia, settled also in New Netherland, where they carried on the cultivation of tobacco. Settlers also still came in from New England, Anabaptists and others, driven away by religious intolerance. Upon all these strangers an oath of fidelity to the States-General was imposed.

Considerable portions of the western end of Long Island, the only valuable and fertile part of it, had been already purchased of the Indians. The whole of the present Queen's county was now included in the Dutch limits; and, in addition to the settlements at Wallabout and Flatlands, another at *Breukelen* was commenced. 1639. About the same time, Staten Island, except the bowery

CHAPTER of De Vries, was granted as a colony or patroonship to
 XIII.

1641. Cornelis Melyn, while another was soon after erected on the main land extending from Newark Bay, which the Dutch called Achter Cul, to Tappan. New boweries were established in every direction. Two annual fairs were presently set up at New Amsterdam, the one for cattle, and the other for hogs. A "fine stone tavern" was built; and, through the zeal of Captain De Vries, who contrasted the New England meeting-houses with "the mean barn" at New Amsterdam, a new stone
 1642. church was erected within the inclosure of the fort, partly at the company's expense and partly by subscription.

The settlement at Red Hill, which the English called New Haven, was considered by the Dutch an alarming encroachment. The traders at the House of Good Hope, on the Connecticut, surrounded by the English settlers at Hartford, were not only confined to a plot of thirty acres, beyond which they were not permitted to cultivate, but by a variety of petty annoyances it was attempted to drive them away altogether. Long Island was claimed as the property of Lord Stirling, and his agents in New England were busy in making grants. One Farrett, a Scotsman, an agent of Stirling's, presented himself at New Amsterdam, claiming the whole of Long Island; but he was driven away, followed by
 1640. the jeers of the mob. A party from Lynn, in Massachusetts, attempted to settle toward the western end of that island, under one of Farrett's grants. They pulled down the Dutch arms from a tree to which they were affixed, and carved an "unhandsome face" in their stead. Taken prisoners by a detachment of Dutch soldiers under Secretary Van Tienhoven, these insolent intruders, after apology and promise to leave the Dutch territory, retired to the east end of Long Island, a sandy and bar-

ren region, where they founded the town of *Southamp-* CHAPTER
ton, and put themselves under the jurisdiction of Con- XIII.
 necticut. *Southold*, in the same neighborhood, settled 1641.
 by another Puritan party, associated itself with the col-
 ony of New Haven. Kieft, in a Latin letter to the
 governor of Massachusetts, protested against English
 encroachments, first on the Connecticut, then at Red
 Hill, and now on Long Island. Dudley, in reply, dis-
 claimed any responsibility for settlers who did not ac-
 knowledge the jurisdiction of Massachusetts.

An attempt had been made to stop the encroachments
 of the English by purchasing from the Indians the lands
 along the north shore of the Sound, those especially in
 the neighborhood of the "Archipelago," the group of
 little islands at the mouth of Norwalk River. But set-
 tlers from Connecticut, crossing the Housatonic, had
 already planted the towns of *Stratford* and *Fairfield*.
 Another party, advancing still farther west, in spite
 of the remonstrances of the Dutch, established them-
 selves at *Stamford*. Still another party fixed them-
 selves at *Greenwich*, ultimately the frontier town of Con-
 necticut; but these last, of whom the principal was Cap-
 tain Patrick, formerly in the employ of Massachusetts,
 were presently persuaded to acknowledge the jurisdiction 1642.
 of the Dutch. About the same time, Mespeth and April.
Gravenzande, now *Newtown* and *Gravesend*, on Long
 Island, and *Vredeland*, now *Westchester*, on the main, Oct. 3.
 were occupied by Anabaptist refugees from Massachu-
 setts, under charters of settlement from the Dutch. So
 great, indeed, had the accession of English inhabitants
 become, as to make the appointment of an English secre-
 tary necessary, an office conferred upon George Baxter.

Not confining their encroachments to the coasts of
 Long Island, the people of New Haven aspired to estab-

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- lish a trading-house, and to found a settlement up the Delaware Bay. In the prosecution of this undertaking
1641. some fifty families sailed from New Haven. They touch-
April. ed at New Amsterdam, and informed Kieft of their intention, against which he protested on the spot; but, not heeding this protest, they proceeded to establish themselves, some on the eastern shore of Delaware Bay, near its head, at Hog or Salem Creek, and others on the Schuylkill. To this interference with their trade the
1642. Dutch would not submit. Two sloops were dispatched
May. from New Netherland to break up this settlement, an enterprise in which the commander of the Swedish fort readily joined. As Lambertson persisted in trading to
- Aug. the South River, he was stopped presently after at New Amsterdam, and compelled to give an account of his fur trade in the Delaware, and to pay duties on the whole. This proceeding gave very great offense at New Haven. Meanwhile, the quarrel with Connecticut had gone so far that Kieft proclaimed a non-intercourse with that col-
1643. ony. The next year Lambertson went again to the Delaware; but the Swedish commander, "a very furious and passionate man, demeaned himself," if we may credit the New England account, "as if he had neither Christian nor moral conscience." Under false pretenses of conspiracy with the Indians, he got Lambertson into his power, and obliged him to pay a ransom. The others he compelled to swear allegiance to Sweden.

While thus in controversy with their English neighbors, the people of New Amsterdam became involved also in hostilities with the Indians. Fire-arms were freely sold by the colonists of Rensselaerswyck to the Mohawks, who thus became more than ever the terror of their enemies; but Kieft would allow none to be sold to the Indians about New Amsterdam, upon whom, much

to their disgust, he even undertook to levy a tribute. CHAPTER
 The Raritans, a tribe on the west shore of the Hudson, XIII.
 were accused of having attacked a Dutch bark with de- 1640.
 sign to rob it. They were also suspected, falsely it July.
 would seem, of stealing hogs from Staten Island. On
 these grounds, an expedition was sent against them, their
 crops were ravaged, and, in spite of the orders of Van
 Tienhoven, the leader, several warriors were barbarously
 killed. The Raritans amused the director with pro- 1641.
 posals of peace, but took the opportunity to attack July.
 Staten Island, where they killed four of De Vries's serv-
 ants, and burned his buildings. Kieft persuaded some
 of the neighboring tribes to assist him, by offering ten
 fathoms of wampum for the head of every Raritan.
 That tribe was soon induced to make peace; but, mean-
 while, a new quarrel had broken out.

Twenty years before, the servants of Director Minuet
 had murdered an Indian warrior, upon whose infant neph-
 ew, according to the notions of the Indians, the duty de-
 volved of revenging his uncle's death. The nephew,
 now grown up, had performed that duty by killing an
 inoffensive old Dutchman. The murderer was demanded,
 but his tribe, who dwelt up the Hudson about Tappan,
 refused to give him up, on the ground that, in revenging
 his uncle's death, he had only done what he ought.

The director presently summoned a meeting of mas- Aug. 28.
 ters of boweries and heads of families to consult what
 should be done. As the harvest was not yet gathered,
 they advised to protract matters by again demanding
 the murderer, but, meanwhile, to prepare for an ex-
 pedition. To assist in these preparations, a board of
 "Twelve Men" was appointed by the commonalty. This
 popular board presently turned their attention to civil af- 1642.
 fairs. Kieft's council consisted only of himself and La Jan. 21

CHAPTER XIII.
 1642. Montaigne, a Huguenot gentleman, Kieft having two votes. The Twelve Men desired that the number of counselors might be increased to five; they asked local magistrates for the villages; and offered several other suggestions, to which the director at first seemed to
 Feb. 18. lend a favorable ear, but he soon issued a proclamation, forbidding the board, "on pain of corporeal punishment," to meet again without his express permission, such meetings "tending to the serious injury both of the country and our authority." Eighty men were sent
 March. against the hostile Indians under Van Dyck, ensign in the company's service; but the guide missed his way, the commander lost his temper, and the men returned without meeting the enemy. The Indians, however, were so alarmed that they asked for peace, promising to give up the murderer; but this promise they never fulfilled.

A new difficulty presently arose. One of the Hackensacks, a tribe on the Hudson opposite Manhattan, had been made drunk by some colonists, and then robbed. In revenge, he killed two Dutchmen. The chiefs offered wampum by way of atonement, remonstrating, at the same time, against the practice of selling brandy to their people, as having been the cause of the present difficulty. Kieft, like Massachusetts in the case of the Pequods, would be content with nothing but blood. While this
 1643. dispute was still pending, the Mohawks attacked the late hostile tribe about Tappan. They fled for refuge to
 Feb. the Dutch, who took pity on them, and gave them food; and they soon scattered in various directions, the greater part joining the Hackensacks. There had been all along at New Amsterdam a peace party, headed by De Vries, who counseled patience and forbearance, and insisted on the necessity of keeping on good terms with the In-

dians; and a war party, led by Secretary Van Tienhoven, restless, passionate, and eager for blood. At a Shrove-tide feast, warm with wine, Kieft was persuaded by some leaders of the more violent party to improve the present opportunity to punish the Indians so lately entertained at New Amsterdam for not having fulfilled their former promise to give up the murderer. In spite of the remonstrances of Bogardus, La Montaigne, and De Vries, two companies were fitted out, one of soldiers, under Sergeant Rodolf, the other of volunteers, headed by a chief instigator of the expedition, one of the late Twelve Men, Maryn Adriaensen, once a freebooter in the West Indies. There were two encampments of the Indians, against which these two companies proceeded, "in full confidence," so their commission says, "that God would crown their resolution with success." The Indians, taken utterly by surprise, and supposing themselves attacked by the formidable Mohawks, hardly made any resistance. De Vries tells us, in his Voyages, that, being that night at the director's house, he distinctly heard the shrieks of the victims sounding across the icy river. Warriors, old men, women, and children were slain without mercy, to the number of eighty or more. Babes, fastened to the pieces of bark which the Indian women use as cradles, were thrown into the water, and the miserable mothers, who plunged in after them, prevented by the Dutch party from relanding, perished with their infants. The wounded who remained alive the next morning were killed in cold blood, or thrown into the river. Thirty, however, were taken prisoners and carried the next day to New Amsterdam, along with the heads of several others.

Some inhabitants of Long Island, with a like mad appetite for blood, asked permission to attack their Indian

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 1643. neighbors. These Indians had always been good friends of the Dutch, and Kieft refused permission; but advantage was taken of some ambiguity in his answer, and an expedition was soon sent to plunder their corn, in the course of which two Indians were slain.

Roused by these injuries, eleven petty tribes, some on the main land, and the others on Long Island, united to make war on the Dutch, whose scattered boweries now extended thirty miles to the east, twenty miles north, and as far south from New Amsterdam. The houses were burned, the cattle killed, the men slain, and several women and children made prisoners. The Indians, partially supplied with fire-arms, and wrought up to the highest pitch of rage and fury, were truly formidable. The terrified and ruined colonists fled on all sides into New Amsterdam. Roger Williams was there on his first voyage to England. "Mine eyes saw the flames of their towns," he writes, "the frights and hurries of men, women, and children, and the present removal of all that could to Holland." A fast was proclaimed. The director, assailed with reproaches and in danger of being deposed, was obliged to take all the settlers into the company's service for two months. Adriaensen the freebooter, leader of the volunteers in the first attack on the Indians, attempted an unsuccessful expedition, during which he had the mortification to see his own bowery ruined. Finding himself, on his return, stigmatized as a murderer for having instigated the massacre at Hackensack, in a violent fit of passion he attacked Kieft, pistol and cutlass in hand. But he was disarmed, and, in spite of the efforts of his partisans to release him, was presently sent prisoner to Holland.

The Indians, satiated with revenge, soon made advances toward a reconciliation, which the Dutch eager-

ly met. De Vries proceeded to Rockaway, where an interview was had with one of the principal hostile chiefs. He was persuaded, with several of his warriors, to visit New Amsterdam, and a treaty of peace was speedily arranged. A month after, the Hackensacks and other tribes on the river came into the same arrangement. But the presents given were not satisfactory, and they went away in no very good humor.

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1643.

March 25.

April 22.

July.

Shortly after this pacification, Kieft wrote to the Commissioners for the United Colonies of New England, congratulating them on their recent union. He complained, however, of certain misrepresentations lately made to the Dutch ambassador in London by Lord Say and Hugh Peters, the Massachusetts agent, and he desired to know whether the commissioners intended to uphold the people of Connecticut in their "insufferable wrongs," especially their treatment of the Dutch residents at the fort of Good Hope. The commissioners, at their next meeting, sent back, in reply, a whole batch of complaints on the part of Connecticut and New Haven, to which Kieft rejoined, vindicating the Dutch title to the shores of the Sound.

Sept.

While the director was engaged in this controversy, New Amsterdam was visited by Sir Edmund Plowden, whose grant of New Albion has been mentioned in a former chapter. But the "Albion knights," as they were called in the charter, had no means to enforce their pretensions, and the earl-palatine presently retired to Virginia, without any attempt at the conversion of the twenty-three kings of Charles or Delaware River, set forth in the patent as the great object of the grant.

Meanwhile, the Indian war broke out anew. A tribe on the Hudson, north of the Highlands, which had taken no share in the former war, attacked and plundered a Dutch canoe coming from Fort Orange, laden with furs.

CHAPTER XIII. The frontier boweries were again assailed by a new con-

1643. federacy of seven tribes, some of them inhabitants of the main land and others of Long Island. The colony of

Sept. Achter Cul, behind Newark Bay, was completely ruined. So were Vredeland and Newtown. It was at this time that Mrs. Hutchinson was slain, with all of her family, except a grand-daughter taken prisoner. The Lady Moody's settlement at Gravesend was also attacked; but she had a guard of forty men, who repulsed the Indians.

In this emergency the commonalty had again been
 Sept. 13. resorted to. A meeting of the inhabitants had been called by the director, and a board of "Eight Men" appointed to aid and advise in the conduct of the war. To prevent the English settlers from leaving the province, fifty or more were taken into the company's pay, the commonalty having agreed to meet a third of the expense. Underhill, one of the heroes of the Pequod war, whose former residence in Holland had made him familiar with the Dutch language, and who had lately removed to Stamford, was appointed to command the Dutch soldiers. Application was also made at New Haven, through Underhill and Allerton, a New England merchant who had removed from Plymouth to Manhattan, for an auxiliary force of a hundred and fifty men; but the people of that colony had not forgotten their expulsion from the Delaware; they doubted, also, the justice of the quarrel, and, on that ground, refused their aid. The "Eight Men,"
 Oct. 24. in an appeal to Holland, give an affecting account of the wretched condition of the colony. The inhabitants, driven from their boweries, of which only three remained on the Island of Manhattan, were mostly clustered in straw huts about a ruinous and hardly tenable fort, themselves short of provisions, and their cattle in danger of starving. A palisade, kept up for the next fifty years,

where Wall-street now runs, was presently erected as a protection for New Amsterdam. CHAPTER
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Several expeditions against the Indians were meanwhile undertaken. Counselor La Montaigne, with a force of three companies, Dutch burghers under Captain Kuyter, English colonists under Lieutenant Baxter, and Dutch soldiers under Sergeant Cock, crossed to Staten Island. The Indians kept out of the way, but their village was burned, and several hundred bushels of corn were destroyed. The same party proceeded soon after in three yachts against the Indians near Stamford, who had committed great ravages. They landed at Greenwich, and marched all night through the snow, but found no enemy. Having returned in no good humor to Stamford, one of the Dutchmen got into an altercation, of a Sunday afternoon, at Underhill's house, with Captain Patrick, the founder of Greenwich, at whose suggestion chiefly the expedition had been undertaken. Patrick resented a charge of treachery by spitting in the Dutchman's face. The Dutchman drew a pistol and shot him dead on the spot. This Patrick, it will be remembered, had accompanied Winthrop in the migration to Massachusetts, and had been employed, along with Underhill, to teach military discipline. "He was made a freeman," Winthrop tells us, "and admitted a member of the church at Watertown; but, being proud and otherwise vicious, he was left of God to a profligate life, which brought him at last to destruction by the hand of one of that people from whom he sought protection after he had fled from the yoke of Christ in the Massachusetts, the strictness of whose discipline he would neither bear in the church nor yet in the country."

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Dec.

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Jan. 2.

The expedition, however, was not wholly unsuccessful. Four of the Stamford people volunteered to hunt up the

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Indians, and, under their guidance, some five-and-twenty of the boldest of the party surprised a small Indian village, killed several women, and made prisoners of an old man, two women, and some children. The Indian prisoner, to earn favor, offered to show the way to the forts of the Tappan Indians; and Baxter and Cock, with sixty-five men, were presently sent on an expedition thither. They found the Indian castles strong and well adapted for defense, nine feet high, studded with port-holes, and built of five-inch timbers, bound with heavy beams. But the Indians were gone, and the forts were empty. The invaders marched some forty miles into the country, killed an Indian or two, took prisoners some women and children, destroyed a little corn, set fire to the forts, and returned to New Amsterdam.

Another expedition was directed against a tribe on Long Island, hitherto esteemed friendly, but recently accused of secret hostilities. The Dutch had given the name of Hemstede to the district inhabited by this tribe. La Montaigne sailed with a hundred and twenty men, Dutch soldiers under Cock, English led by Underhill, and burghers under Pietersen. Underhill, with eighteen men, marched against the smaller village, and La Montaigne, with the main body, against the other. Both parties were completely successful. They took the villages by surprise, and, with the loss of only one killed and three wounded, slew upward of a hundred Indians. But the victory was disgraced by atrocious cruelties on two Indian prisoners, hacked to pieces with knives in the streets of New Amsterdam.

Feb. Captain Underhill having been sent to Stamford to reconnoiter, was presently dispatched, with Ensign Van Dyck and a hundred and twenty men, in three yachts, upon a new enterprise against the Indians in that neigh-

borhood. He landed at Greenwich, and, after a tedious march in the snow, crossing on the way a rocky hill, and fording two rivers, silently approached the Indian village by moonlight. It was situate behind a mountain, which sheltered it from the north winds, and contained three rows or streets of wigwams. A large number of Indians, assembled to celebrate some festival, made a desperate resistance; but, after an hour's fighting, during which many Indians were slain, the village was set on fire, and all the horrors of the Pequod massacre were renewed. It was said that five hundred perished in the battle or the flames. Large fires were kindled, and the victors slept on the field. Fifteen had been wounded, but none killed. They reached Stamford the next day at noon, where they were kindly entertained by the English settlers, and, two days after, arrived at New Amsterdam, where a public thanksgiving was ordered.

Some of the hostile tribes now asked for peace, but others still continued the war. The Dutch West India Company, made bankrupt by the expenses of military operations in the Brazils, was quite unable to afford any assistance, and a bill for 2622 gilders, \$1045, drawn upon it by the director, which some of the New England traders at Manhattan had cashed, came back protested. The director imposed an excise duty on wine, beer, brandy, and beaver. Though no aid could be obtained from Holland, unexpected but opportune assistance arrived from Curaçoa, in a body of a hundred and thirty soldiers lately expelled from Brazil, where the Portuguese had risen against the Dutch. The inhabitants of Curaçoa, who did not need, and had no means to maintain these soldiers, sent them to New Amsterdam; and their arrival enabled Kieft to dismiss, but "in the most civil manner," the English auxiliaries hitherto employed.

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June 21.

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These soldiers were billeted on the inhabitants, and the excise duties were continued to provide them with clothing. The Eight Men denied the right to levy these taxes, and the brewers resisted; but Kieft insisted on payment. Presently the Eight Men appealed to Holland in a protest complaining in emphatic terms of Kieft's conduct in the origin and progress of the war. The inhabitants also expressed their opinions with much freedom, and the schout-fiscal at New Amsterdam soon had his hands full of prosecutions for defamation of the director's character.

Rensselaerswyck, the only portion of the province which had escaped the ravages of this war, had received, two or three years before, an accession of settlers, among them John Megalapolensis, a "pious and well-learned minister," to whom we are indebted for the earliest extant account of the Mohawks. Under the guns of the Fort Aurania, but within the jurisdiction of the patroon, a little village had sprung up near the bend of the river, and hence familiarly known among the inhabitants as the *Fuyk*, or *Beversfuyk*, but officially as *Beverwyck*, the present Albany. Here a church had been built, and here resided Van Cuyler, the president-commissary; also Van der Donck, graduate of the University of Leyden, schout-fiscal of the colony, and author of a Description of New Netherland.

Very jealous of his feudal jurisdiction, aspiring, in fact, to a substantial independence, the patroon would grant no lands unless the settlers would agree to renounce their right of appeal to the authorities at New Amsterdam. He was equally jealous of his monopoly of importation; but Van der Donck, unwilling to be esteemed "the worst man in the colony," especially "as his term of office was short," was rather backward in en-

forcing the severe laws against irregular trade. This lukewarmness produced a violent quarrel between him and the zealous Van Cuyler. Van der Donck was even accused of secretly fomenting among the inhabitants a spirit of discontent against these regulations, represented "as an attempt to steal the bread out of their mouths" —a discontent which showed itself not only in a protest against Van Cuyler, signed "in a circle," but even in violent threats against that faithful officer's life.

In the midst of these contentions, Van Cuyler was informed that a party of Mohawk warriors, returning successful from an inroad into Canada, had brought with them several French prisoners. France and Holland were allies, and Van Cuyler, in hopes to ransom these prisoners, made a journey into the Mohawk country, the beauty of which he greatly admired. He was received with much kindness, and feasted on wild turkey; but the Mohawks could not be persuaded to part with their prisoners, the principal of whom was Father Jogues, a zealous Jesuit missionary. They promised, however, to spare their lives, and twelve Indians escorted Van Cuyler back to Beverwyck.

The next year, on one of their trading expeditions to Fort Orange, the Indians brought their prisoner with them. While there, news was received of a repulse which the Mohawks had suffered in Canada. It was believed that, on his return to the Mohawk country, Jogues would certainly be burned, and the Dutch commandant advised his escape, and offered to assist in it. After many contrivances to evade the vigilance of the Indians, he was concealed in the hold of a sloop, but was almost stifled with bad air. The Mohawks, greatly enraged, threatened vengeance, but were induced to accept a ransom. Sent to New Amsterdam, itself then

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 1643. suffering from Indian war, the rescued missionary was kindly furnished, as Roger Williams had been a few weeks before, with a passage to Holland. The next year similar good offices were performed toward Father Bresani, another missionary captured by the Mohawks.

As security against interloping traders, a fort and trading house were built on a precipitous little islet in the Hudson, eight or ten acres in extent, called Bear's, now Rensselaer's Island, near the southern boundary of the colony. Watch-master Coorn, to whom the command of the fort was intrusted, was directed to demand of all vessels passing a toll of five guilders, and the lowering of their flags, in acknowledgment of the staple right of Rensselaerswyck. Skipper Lookermans, of the yacht
 July 5. Good Hope, on a voyage to Fort Orange, being hailed and ordered to lower his colors, replied scornfully, with an oath, that he would strike his flag for nobody "save the Prince of Orange and the high and mighty lords his masters." Thereupon Coorn let fly at him divers shots, one of which perforated the "princely flag" of their high mightinesses the States-General, which the intrepid skipper held in his hands the while, raised just above his head. Van der Huygens, schout-fiscal of New Netherland, avenged this insult by a prosecution against Coorn, who was condemned in damages. But Coorn's zeal was presently rewarded by promotion to the office of schout-fiscal, in Van der Donck's place.

A part of the English settlers at Stamford sought safety from the Indians by crossing to Long Island, where they commenced a settlement at *Hempstead*, under a
 Nov. 16. Dutch patent, on the lands of the lately-extirminated
 April. tribe. The next spring some friendly Indians were taken into the Dutch service, and Kieft, on a visit to Fort Orange, with Van der Donck's aid made a treaty with the

Mohawks, by the terror of whose name the hostile tribes were brought to treat. In case of future difficulties, application was to be made for redress by the Indians to the Dutch director, and by the colonists to the Indian sachems. No Indian was to approach Manhattan armed, nor were armed colonists to visit the Indian villages, unless conducted thither by some Indian. Mrs. Hutchinson's captive grand-daughter was given up on ransom. The treaty was approved by the assembled citizens of New Amsterdam, and a day of general thanksgiving was ordered. Advantage was taken of this peace to obtain some additional cessions on Long Island, and Vlissengen, now *Flushing*, was granted to a company of Anabaptist refugees from Massachusetts.

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Aug. 30.

Oct. 16.

The settlements about New Amsterdam, almost ruined by the late war, could hardly muster a hundred men. Of thirty flourishing boweries, but five or six remained. The complaints against Kieft, and the disastrous condition of the colony, caused much discussion. It appeared, from a statement of accounts, that New Netherland had cost the company more than half a million of guilders (\$200,000), over and above all receipts.

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Kieft had flattered himself that the little Swedish colony on the Delaware would be broken up for want of supplies; and during the first three or four years it was in some danger. But soon Queen Christina appropriated a liberal sum for its benefit, and John Printz, lieutenant colonel of cavalry, was sent out as governor. The colony was to be governed according to "the laws, customs, and usages of Sweden." Punishments were not to be inflicted except according to "ordinances and legal forms," and by the advice of the "most prudent assessors of justice" to be found among the inhabitants. Toward the Dutch at Fort Nassau, unless molested by them, Printz was

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CHAPTER to observe friendly conduct. He was to treat the na-
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tives with "great kindness and humanity," and not to allow any violence or injustice; to instruct them in the Christian religion, and to secure their good will and attachment by underselling the Dutch and English traders. But the trade in furs was to be strictly confined to the Swedish Company's agents. He was to pay particular attention to the cultivation of tobacco and the propagation of sheep and cattle; to find out if silk and wine could be produced; to attempt the manufacture of salt from sea water; and to explore the mineralogy of the country. Oak wood and walnuts were to be sent home as ballast, the nuts to see if they would not produce oil. The colony was to be governed according to "the laws, customs, and usages of Sweden." Punishments were not to be inflicted except according to "ordinances and legal forms," and by the advice of the "most prudent assessors of justice" to be found among the inhabitants. Especially was he enjoined "to render to Almighty God the true worship which is his due, according to the Confession of Augsburg, the Council of Upsal, and the ceremonies of the Swedish Church;" looking well after the religious instruction of the young, and taking care that "a good ecclesiastical discipline" be maintained. Some Dutch farmers had established a little settlement under the Swedish jurisdiction, some twenty miles below Christina. Printz was authorized, if he deemed it expedient, to remove them to a somewhat greater distance, but was specially instructed to respect their rights, and to allow them the free exercise of their religion.

The new governor established his residence in a fort of hemlock logs, at Tinicum, or *New Gottenburg*, an island eight or ten miles below the mouth of the Schuylkill. He built at the mouth of Salem Creek, the site

of the recent New Haven settlement, broken up just before his arrival, another fort, called *Elsenberg*, which mounted six or eight twelve pounders, and commanded the channel of the river. All vessels passing were required to lower their flags and submit to an examination. *Christina*, near the present site of *Wilmington*, the chief Swedish fort and trading post, was well stored with merchandise for the Indian trade. Still another post, at the mouth of the *Schuykill*, directly in front of the Dutch fort of *Beversee*, cut off the Dutch from the Indian trade in that quarter. Fort *Nassau*, near by, but on the opposite side of the river, the chief Dutch station on the *Delaware*, was but ill supplied with goods, and the larger share of the trade fell presently into the hands of the Swedes. Some tobacco plantations were also established, cultivated by indented servants and transported criminals.

The Swedish colony was so successful as soon to be able to send home two vessels loaded with tobacco and beaver. Owing to the war between Denmark and Sweden, these vessels were obliged to put into a Dutch port, and the Dutch West India Company immediately claimed the per centage on their cargoes, payable, as recognitions, by all vessels trading to New Netherland. An angry correspondence ensued between the Swedish ambassador and the Dutch government. The claim of duties was at length abandoned, but any acknowledgment of the territorial claims of the Swedes was carefully avoided.

Printz built a church at New Gottenburg, and, in conformity to his instructions, the Swedish Lutheran worship was regularly established there, under the administration of John Campanius as minister. To the remonstrances of the Commissioners for the United Colonies of

CHAPTER XIII. New England against the expulsion from the Delaware

of the New Haven settlers, he returned a respectful answer; but the Swedes and Dutch, though they did not agree among themselves, still combined to exclude the New England traders. A vessel, fitted out by a Boston company, entered the Delaware to ascend in search of the great interior lakes, of which the English had heard some rumor, and whence the chief supply of beaver was said to come. Though provided with letters and a commission from the governor of Massachusetts, this vessel was not, without difficulty, allowed to pass the Swedish fort, was closely followed by two pinnaces, one Dutch, the other Swedish, was forbidden to trade with the Indians, in fact, was compelled to abandon the enterprise.

1646. The Dutch themselves were soon threatened with a similar exclusion. They were forbidden to trade at the mouth of the Schuylkill, or to attempt any settlement on the west bank of the Delaware. The Dutch who visited Printz's head-quarters were overwhelmed with profane abuse. Nor did it always end there, for they often returned "bloody and bruised."

Excluded from the Delaware, the New Englanders pressed their encroachments toward the Hudson. High up the Housatonic, near a hundred miles in the interior, the people of New Haven established a trading post, with the design, as the Dutch alleged, of drawing off the Indian trade from Fort Orange. The post of Good Hope, on the Connecticut, was still exposed to constant annoyances. The people of Connecticut complained of it as a refuge for runaway servants and culprits; and in an angry correspondence between Kieft and the New England Commissioners, all the old points of quarrel were revived and reviewed.

Kieft meanwhile became more and more unpopular

Among other stretches of authority which made the people of New Netherland complain that "under a king they could not be worse treated," he had denied the right of appeal from his decisions to the authorities in Holland. Doughty, the Anabaptist minister of Mespath, on Long Island, having claimed an appeal in a case concerning his right to the lands of that village, was fined twenty-five gilders and imprisoned twenty-four hours for his presumption. Van Hardinburg, a merchant of New Amsterdam, presuming in the like way, was subjected to a similar penalty. This raised a great clamor; and even a new set of prosecutions for libel could not protect the unpopular director from being called by very hard names, and threatened with still rougher usage whenever he should lose the protection of his office. He became involved in an unfortunate quarrel with Bogardus, the minister, whom he accused of drunkenness in the pulpit. Bogardus retorted from that very pulpit "in the most brutal manner," and followed up the controversy with the greater zeal when the recall of Kieft became presently known.

In consequence of the numerous and loud complaints against Kieft, the directors of the West India Company had resolved to intrust the government of New Netherland to Petrus Stuyvesant, the governor of Curaçoa, whom the loss of a leg at the siege of St. Martin's, then occupied by the Portuguese, had obliged to return to Holland. It was resolved, also, to remove the remaining restrictions on the trade of New Netherland, by throwing open the right of imports and exports to free competition; but New Amsterdam still remained the sole port of entry.

Virginia and Maryland, the two English colonies on the south, numbered, by this time, some twenty thou-

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 1647. sand inhabitants; New England, on the north, counted near as many more; while the whole of New Netherland had hardly two or three thousand colonists, even including the Swedes on the Delaware. Beverwyck was a hamlet of ten houses; New Amsterdam was a village of wooden huts, with roofs of straw, and chimneys of mud and sticks, abounding in grog-shops, and places for the sale of tobacco and beer. At the west end of Long Island were six plantations under the jurisdiction of the Dutch, but several of them were inhabited chiefly by English. Under the charter of 1640, these villages enjoyed the privilege of a magistracy, acting chiefly as a local tribunal, annually selected by the director from a triple nomination made by the magistrates of the previous year. Officers corresponding to a constable and clerk were named by the director. Even this limited enjoyment of municipal rights did not extend to New Amsterdam, where the director and fiscal acted as town magistrates.

The West India Company was largely concerned in the slave trade, and some slaves were imported into New Netherland. Most of them remained the property of the company, and the more trusty and industrious, after a certain period of labor, were allowed little farms, paying, in lieu of all other service, a stipulated amount of produce; but this emancipation did not extend to the children—a circumstance inexplicable and highly displeasing to the commonalty of New Netherland, who could not understand “how any one born of a free Christian mother could nevertheless be a slave.”

May 11. Upon the arrival of the new director, Kieft complained of Kuyter and Melyn, patroons of Staten Island, late leaders of the Eight Men, for slander in their protest of 1644. Stuyvesant, who had the arbitrary temper and

the haughty airs so common with military officers, took the side of authority, and Kuyter and Melyn were fined, banished, and refused an appeal. They sailed for Holland along with Kieft and Bogardus, in a ship richly laden with furs; but, in consequence of having two Jonahs on board—so, at least, Winthrop thought—fugitives from New England justice, who had sought refuge at New Amsterdam, and whom the Dutch authorities had refused to deliver up, the ship was cast ashore on the coast of Wales, and Kieft, Bogardus, and some eighty others perished—an event “sadly to be lamented,” as Winthrop admits, “on account of the calamity,” but which he relates, nevertheless, with very evident zest, as a palpable judgment on New England’s enemies.

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To avoid responsibility, Stuyvesant constituted a board of Nine Men, similar to those of his predecessor, and with similar results. Van der Donck, late of Rensselaerswyck, who had received, for his services in the treaty with the Mohawks, the patroonship of Colen Donck, now *Yonkers*, just above Manhattan, presently became the leader of this new board; and in spite of the arbitrary violence of the director, who arrested him, imprisoned him, and excluded him from his seat, he drew up a Memorial, which was signed by all the Nine Men, addressed to the States-General of Holland, and praying their protection, and the substitution of a burgher government for that of the company; also a Remonstrance setting forth the grievances of the province, and citing the example of New England, where “neither patroons, nor lords, nor princes are known, but only the people.” This appeal was carried to Holland by Van der Donck himself. To counterwork it, Stuyvesant sent after him secretary Van Tienhoven, fortified with a letter obtained, through Baxter’s influence, from the English

Sept.

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1650. Thus entangled at home and attacked in Holland, the
 Aug. director was simultaneously engaged in an embarrassing correspondence with New England. Besides the old matters, the New England Commissioners complained loudly of the Dutch tariff, and of the selling of powder and guns to the Indians, and of some special grievances committed by Stuyvesant ; who, after repeatedly soliciting an interview, in a manner which betrayed his weakness, proceeded to the House of Good Hope, to negotiate
 Sept. in person with the New England Commissioners. His first memorial was dated New Netherland, to which the commissioners objected, as assuming jurisdiction of the place of meeting. It was finally arranged that Stuyvesant should date from Connecticut, which might be understood of the river as well as of the colony ; the commissioners, on their part, dating from Hartford, but leaving out New England. The matters in dispute related to boundaries, the entertainment of fugitives, and to several specific injuries mutually alleged, all of which it was at last agreed to refer to four arbitrators, all of them English, two named by Stuyvesant, and two by the commissioners. By their award, all the eastern part of Long Island, composing the present county of Suffolk, was assigned to New England. The boundary between the Connecticut colonies and New Netherland was to begin at Greenwich Bay, to run northerly twenty miles into the country, and beyond "as it shall be agreed ;" but nowhere to approach the Hudson nearer than ten miles. The Dutch retained their fort of Good Hope, with the lands appurtenant to it ; but all the rest of the territory on the river was assigned to Connecticut. Fugitives were to be mutually given up.

The question as to the Delaware, left unsettled, led speedily to new troubles. The project of planting on that river was revived at New Haven. A company of 1651. adventurers bound thither touched at Manhattan, and, relying on the late treaty, and on letters from the governors of New Haven and Massachusetts, freely avowed their purpose. Stuyvesant, however, seized the ship, detained the emigrants, and, to strengthen the Dutch interest on the river, on the very spot which the New Haven adventurers had intended to occupy, and within five miles of the Swedish fort of Christina, he built *Fort Casimir*, on the present site of *Newcastle*. This was denounced at New Haven as a violation of the treaty; and the war which soon broke out between Cromwell and the Dutch suggested the idea of the conquest of New Netherland, still torn by internal dissensions. The disarming of Fort Bearen, and the imprisonment at New Amsterdam of Van Slechtenhorst, Cuyler's successor as commissary, had produced at Rensselaerswyck great ill feeling, which Stuyvesant aggravated by assuming jurisdiction over Beverwyck as within the precinct of the company's fort. Van der Donck's complaints, being staved off by the company, resulted only in the establishment of a very narrow municipal government for New Amsterdam, composed of two burgomasters and five schepens, of whom, however, the director claimed the nomination, while the provincial schout continued to act as city schout also. Yet even with this board it was not easy to agree either as to the revenue it should enjoy or the expenses it should pay—a matter of no little interest in the embarrassed state of the finances, burdened by a loan for repairing the city palisade, and adding a trench and rampart as defenses against New England invasion. The proceedings at New Amsterdam of Leverett and

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1651.

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April 10.

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Feb

- CHAPTER XIII. the other New England agents, and how the obstinacy of Massachusetts became the safety of the Dutch, have been related in the preceding chapter. Yet, as many aggressions were committed under privateering commissions from Rhode Island, advantage was taken of this crisis to hold a convention of delegates at New Amsterdam, resulting in the call of a "Landtdag," or Diet, in which were represented that city and eight villages, four Dutch and four English. Baxter, who seems to have quarreled with Stuyvesant on account of some land grants encroaching on Gravesend, took a very leading part. It was he who drew up the Remonstrance of the "Landtdag," complaining of the arbitrary legislation of the director and his council; of his appointment of magistrates without the consent or nomination of the people; and of his favoritism as to grants of land. But, in spite of their appeal to "the law of nature" and the usages of Holland, the "presumption" of these "ignorant subjects" was haughtily rebuked by the director, who referred to "God and the West India Company" for his authority, and taunted the Dutch members with subscribing to the "project of an Englishman." Nor could the company see in the Remonstrance one single point to justify complaint. Stuyvesant was even blamed for not having suppressed "the seditious" with more vigor, and was directed to punish them "in an exemplary manner;" an order which the peace with England made it the more easy to carry out. The director had already taken care to secure the loyalty of the Dutch villages, Brukelyn, Amersforth (now *Flatlands*), and Midwout (now *Flatbush*), by granting them, under the charter of 1640, the same municipal rights which their English neighbors had long enjoyed; and Baxter was soon after deposed from the magistracy of Gravesend, and, when he attempted to raise an insurrection, was arrested and imprisoned.

While these matters were pending, and before the danger on the side of New England was yet over, CHAPTER XIII. Rysingh, coming out to New Sweden with a company of 1654. soldiers, as successor to Printz, succeeded, by stratagem May 31. and the cowardice of the commander, in getting possession of Fort Casimir. But Sweden was no longer a formidable power, and the company sent ships and soldiers to Stuyvesant, with orders to take exclusive possession of the South River. 1655. Stuyvesant was absent at the moment on a bootless voyage to Barbadoes, where he found an English fleet which cut him off from the trade he desired. Sept. 5. On his return, he proceeded to the South River with six hundred men. New Sweden, of which the whole population did not exceed seven hundred, was unable to make any resistance; and that province was reabsorbed into New Netherland. Such of the Swedes as consented to take an oath of allegiance were guaranteed the possession of their lands. Those who refused were shipped to Holland. All civil connection with the mother country was henceforth terminated; but the Swedish Lutheran Church, the rights and freedom of which were secured by the capitulation, continued to recognize an ecclesiastical dependence on Sweden down to the time of the American Revolution.

The director was hastily recalled from the South River by news of a fresh rupture with the Indians. During his absence a large body of them had visited New Amsterdam in sixty-four canoes. Behaving with some insolence, they were driven out of the town, when they revenged as well this treatment as some other wrongs which they had treasured up, by attacking Pavonia and Staten Island, which were again entirely ruined. In three days a hundred persons were killed, and a hundred and fifty made prisoners. Twenty-eight boweries were

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broken up, and a loss inflicted estimated at \$80,000. Returning in haste, Stuyvesant took prompt measures for defense; but he judged it better to ransom the prisoners than to attempt their recovery by arms.

1656. To discharge some of its heavy debts, the West India Company sold to the city of Amsterdam the tract just recovered from the Swedes, which thus became again a separate jurisdiction by the name of *NEW AMSTEL*. Numerous refugee Protestants were sent out at a heavy expense, bound to remain four years in payment of their passage; but they suffered greatly from sickness and famine, and their number was thinned still further by desertions. To the claims set up by Governor Fendal

1659. to this territory as a part of Maryland, the Dutch responded by the plea of prior occupancy, and the re-establishment of a post at Hoarkill. If the West India Company would have taken back the colony, the city of Amsterdam would have willingly relinquished it; but as this was declined by the company, which was already \$600,000 in advance on account of New Netherland, to prevent conflicts of jurisdiction which had already arisen, 1663. the city became the purchaser of the whole Dutch territory on both banks of the South River.

As a protection to the fertile tract on the Esopus, deserted during the late Indian outbreak, a fortified village had been established there; not, however, without fresh hostilities with the Indians, provoked by the cruel folly of the colonists. To this village, called *Wildwyck*, to 1661. *Bergen*, and to *New Haerlam*, in the north part of Manhattan Island, village charters were granted. Staten Island, the patroon rights to which were purchased up by the company, was occupied, for the third time, by a colony of Waldenses.

The Lutherans had become so numerous at New Am

sterdam as to desire a church of their own ; but this was denied them by Stuyvesant, and, on appeal to Holland, by the company also. Instigated by Megapolensis, now minister at Manhattan, his newly-appointed colleague, Drusius, and Polhemus, a Dutch clergyman recently settled at Midwout, on Long Island, the director even issued a proclamation against conventicles, inflicting fines upon both preachers and hearers. Though aimed partly, no doubt, at the disaffected Anabaptists at Gravesend, it was indirectly disapproved by the company, who expressly required that all residents should be allowed "the free exercise of their religion within their own houses." Yet, notwithstanding this hint, the proclamation was still enforced against public conventicles, and with special severity against the Quakers, whom Stuyvesant greatly hated and dreaded, and against whom he launched several new proclamations, copied apparently from the legislation of New England. But, on the appeal of John Bowne, of Flushing, who had been imprisoned, fined, and banished, the company decidedly rebuked these proceedings as tending to prevent the population of the province. Though religious non-conformity was to be regretted, yet, so they wrote to Stuyvesant, to a certain extent, it must be "connived at." "Let every one remain free as long as he is modest, moderate, his political conduct irreproachable, and as long as he does not offend others or oppose the government. This maxim of moderation has always been the guide of our magistrates in this city, and the consequence has been that people have flocked from every land to this asylum. Tread thus in their steps, and we doubt not you will be blessed."

East Hampton, at the extreme eastern end of Long Island, purchased of the sachem of Montauk in 1648, had annexed itself to Connecticut in 1658. Some set-

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1660. tlers at *Setauket*, which they named Cromwell's Bay (now *Brookhaven*), of whom Underhill was one, and others at *Huntington*, still further west, followed this example. These towns were within the English limits, according to the treaty of 1650; but another party, under one
1656. Thomas Pell, had reoccupied Mrs. Hutchinson's abandoned settlement, and an exertion of force became necessary to compel them to submit, and to accept a Dutch incorporation as *Oost Dorp*, or East Village (now *Pelham*). A like incorporation was also granted to the new English settlement of *Rust Dorp*, on Long Island (now *Jamaica*); but among the Dutch-English on that island
1659. were many malcontents, some of whom applied to Cromwell for aid. A Massachusetts company even explored the Hudson with a view to a settlement upon it, for which purpose they asked of Stuyvesant permission to ascend that river from its mouth. When he refused, the application was enforced by a letter from the New England Commissioners, who claimed that the limit of ten miles east of the Hudson was intended only for New Haven and Connecticut, and could have no reference to Massachusetts, which, by its charter, extended west to the South Sea.
1662. No sooner had Connecticut obtained a royal charter, as will be related in the next chapter, than claims were put forth under it to all Long Island, and, indeed, to all the main land east of the Hudson. To add to Stuyvesant's embarrassments, the Indians made a sudden and
1663. violent attack on the village at Esopus; and, as well to solicit a general union against them as to urge adherence to the former treaty of limits, the director made a visit to Boston. The New England Commissioners assembled there admitted the binding force of the treaty, but would take no action to sustain it; while at Hartford,
- June.
- Sept.

whither envoys had also been sent, Stuyvesant was not only required to give up Oost Dorp, but to promise also not to interfere with the Dutch-English towns on Long Island, as the conditions on which alone Connecticut would delay, for the moment, to grant their request, already made, to be taken under her jurisdiction. 1663.

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While this negotiation was still going on, at the suggestion of the magistrates of New Amsterdam a Convention was held of delegates from all the Dutch villages, including, besides Wildwyck, New Haerlam, and Bergen, the three old ones on Long Island, to which *New Utrecht* and *Bostwick* (now *Bushwick*) had lately been added. This Convention recommended an appeal to Holland for aid. Already, indeed, the Dutch-English towns had risen in open rebellion under one John Scott, who had recently returned from England, whither he had gone to lay complaints against the Dutch. Scott had brought thence some rumors of movements intended there; and the revolters, many of whom were as adverse to a Connecticut as to a Dutch connection, presently installed him as their provisional president. They even so threatened their Dutch neighbors, that the burghers of New Amsterdam subscribed a loan of \$12,000 for the defense of the city; but matters were temporarily arranged by a truce for twelve months. Oct. 1664. June.

The Esopus Indians had already been severely chastised by three expeditions; and a new assembly of twenty-four delegates from all the Dutch villages and colonies advised a peace with them, notwithstanding express orders from Holland for their extermination. Like and equally bootless orders had also come to put down the Long Island rebels; but that was left to Connecticut, whose magistrates arrested and imprisoned Scott, assuming jurisdiction over all the English towns, without April 10.

CHAPTER any regard to Stuyvesant's protests. But a new and
XIII. still stronger claimant was now about to appear.

1664. Shortly after the restoration of Charles II., the Duke
of York, the king's brother, had purchased up the various
claims of Lord Stirling, already so often mentioned,
March 12. and this purchase was soon confirmed by a royal charter
conveying to the duke a great American territory, called,
in honor of the proprietary, NEW YORK. Including, on
the east, the tract between the St. Croix and the Pema-
quid, one of Stirling's provinces, and on the west the re-
gion between the Connecticut and the Delaware, with all
the islands south and west of Cape Cod; swallowing up
New Netherland; encroaching also on the chartered lim-
its of Massachusetts and Connecticut, this new province
completely embosomed within its wide circuit the old
Puritan colonies of New England.

Without any intimation to the Dutch of impending
hostilities, four ships were dispatched with five hundred
soldiers, and Richard Nichols, Sir George Cartwright,
and Robert Carr as commissioners, to take possession of
Aug. New Netherland for the Duke of York. They touched
at Boston, and asked there for additional soldiers; but,
as the same commissioners were authorized to investi-
gate certain complaints against Massachusetts, of which
an account will presently be given, their reception in
that colony was sufficiently cold. Without waiting for
the action of the General Court, without whose sanc-
tion, as Endicott alleged, no soldiers could be raised, the
commissioners, after a short delay, proceeded toward New
Netherland. The newly-chartered colony of Connecticut
was more zealous, and Winthrop, the governor, went
personally on board the squadron, which presently came
to anchor within Sandy Hook.

Stuyvesant, a stout old soldier, zealous for his em-

ployers, would willingly have stood a siege; but the Dutch inhabitants were lukewarm, while the English on Long Island, no inconsiderable portion of the colonists, had already risen in arms and joined the invaders. 1664.

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After a few days' negotiation, and much warm dispute between the director, who struggled hard to maintain his authority, and the burgomasters and principal inhabitants of New Amsterdam, who were resolved not to run the risk of an attack, through the mediation of Winthrop a liberal capitulation was arranged. The Dutch, besides the privileges of free denizens of the new province, were to be allowed to ship their produce to Holland. The Dutch law of inheritance was to continue in force, and the colonists were to enjoy the liberty of their consciences in divine worship and discipline.

With this change of masters New Amsterdam changed its name to NEW YORK.

While Nichols remained there as governor, Cartwright, with one of the ships and a detachment of troops, ascended the Hudson; and the colony of Rensselaerswyck, with Fort Orange and the town of Beverwyck, quietly surrendered. That town, from one of the Duke of York's titles, was presently called *Albany*. The fortified settlement at Esopus received the name of *Kingston*. Carr entered the Delaware with another vessel, and the surrender of the posts and settlements on that river, not accomplished without bloodshed, completed the conquest. Sept. 29. Oct.

New Netherlands, thus surrendered, was reckoned to contain about ten thousand inhabitants, of whom some fifteen hundred dwelt at New Amsterdam. That city had obtained by degrees an enlargement of its privileges, the right to an annual double nomination by the magistrates, from which their successors must be selected; a

CHAPTER XIII. schout-fiscal of its own; and, in consideration of recent efforts for defense, the entire produce of the excise on beer and wine. A Latin school had been recently established, the schoolmaster acting also as physician. The New Amsterdam magistrates described their city as "adorned with so many noble buildings as nearly to excel every other place in North America." Nichols saw only some narrow streets near the water's edge, a fort containing a church, a few good buildings covered with tiles clustered about it, the rest small thatched cottages—the whole town, as he complained, not able to furnish bedding for his soldiers.

Yet New York was already, indeed from the beginning it had been, a cosmopolitan city. As Holland was a refuge for all persecuted sects, so representatives of most of them had found their way to New Amsterdam. Even twenty years before, according to Jogues, the Jesuit missionary, not less than eighteen different dialects were spoken in it. Refugee Protestants from Spanish Flanders, Bohemia, France, and the valleys of the Alps, fugitive sectaries from New England, Jews, and even some Catholics, were to be found there. Yet public worship was only permitted to the Dutch Reformed Churches (progenitors of a now numerous communion, which, down to the American Revolution, remained ecclesiastically dependent on the classis of Amsterdam), to the Swedish Lutherans at the South River, and to such of the English on Long Island as substantially conformed in doctrine and practice to the Established Church.

1667. At the treaty of peace, the Dutch were allowed, as compensation for New Netherland, to retain the colony of Surinam, in Guiana, then lately planted by some English adventurers, but captured by the Dutch during the war—an exchange the policy of which was doubted by July.

many, who thought colonies within the tropics more profitable than plantations in North America. For the first hundred years Surinam kept pretty equal pace with New York. Subsequently, by the aid of Dutch capital and an active slave trade, it advanced with rapid strides, being one of the first American plantations into which the cultivation of coffee was successfully introduced. But, about the time of the American Revolution, it received a terrible check in a servile insurrection, resulting, after a destructive war, in the establishment of an independent negro community in the rear of the colony. The cessation of the slave trade having put a stop to increase by importations, the population of Surinam, under the joint influence of slavery and bad government, has ever since been wasting away. With a vast unsettled territory, it now numbers scarce fifty thousand inhabitants—a striking contrast to the growth of New York.

By the simultaneous treaty with France, the province of Acadie was restored, much to the disgust of the people of New England, to its ancient possessors, without any precise specification of limits, but including by name La Hâve, Cape Sable, Port Royal, St. John's, and Pentagoet, French name for Penobscot. As Temple objected to surrender the province till his interests were provided for, the king agreed to repay his expenditures to the amount of £16,200, and upon the strength of this promise peremptory orders were sent out to give up the province to the French; but Temple never received his money. One effect of this surrender was a great curtailment of the eastern portion of the Duke of York's province.

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NEW ENGLAND UNDER CHARLES II.

- CHAPTER XIV.** **T**HE Puritan colonists of New England had watched with no little anxiety the rapid progress of that revolution in Great Britain which restored Charles II. to his father's thrones. The same ship that brought to Boston the first news of the Restoration, brought also two of the regicide judges flying for their lives, Whalley and Goffe, high military officers under Cromwell. Courteously received in Massachusetts by Governor Endicott and the magistrates, they remained there for some time without disguise or concealment. The news, indeed, by this arrival, was by no means decisive. The General Court of Massachusetts met at its regular session, and adjourned without taking any notice of the changes going on in England. Some weeks after, full accounts were received of the re-establishment of royalty; of the Act of Indemnity, and the exception from it of all those concerned in the death of the late king; of the execution of Peters and the imprisonment of Vane; with information from Leverett, the colonial agent, of numerous complaints by Royalists, Episcopalians, Baptists, and Quakers, already preferred against the colony.
- July. 1660.
- Oct. of Massachusetts met at its regular session, and adjourned without taking any notice of the changes going on in
- Nov. 30. England. Some weeks after, full accounts were received of the re-establishment of royalty; of the Act of Indemnity, and the exception from it of all those concerned in the death of the late king; of the execution of Peters and the imprisonment of Vane; with information from Leverett, the colonial agent, of numerous complaints by Royalists, Episcopalians, Baptists, and Quakers, already preferred against the colony.
- Dec. 19. Upon the arrival of this unwelcome news, the General Court, called together in special session, adopted an apologetical address, in which New England was ingeniously personified as the king's "poor Mephibosheth, by reason of lameness, in respect of distance, not until now

appearing in his presence, kneeling with the rest of his subjects before his majesty as her restored king." This address was transmitted by the hand of Temple, the proprietary of Nova Scotia, lately a resident in Massachusetts, on whose friendly and favorable representations to the king much reliance was placed. It excused, at considerable length, the capital punishments inflicted on the Quakers, and prayed for the continued and undisturbed enjoyment of the existing civil and religious institutions of the colony. At the same time was sent a similar address to Parliament, and letters to old Lord Say and other Puritan noblemen, whose concurrence in the Restoration might be supposed to give them some present interest at court.

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The fugitive regicides had already retired to New Haven, thus escaping a royal order for their arrest which presently arrived at Boston by the hands of some zealous young Royalists, to whom the General Court of Massachusetts intrusted its execution. The magistrates wrote a pressing letter on the subject to Governor Leet, of New Haven. The Commissioners for the United Colonies of New England, at their meeting a few months afterward, issued their proclamation also against these fugitives. But, with all this show of zeal, there was no intention to give them up, if it could be avoided. By great privacy and the aid of faithful friends, they remained undiscovered, and were presently joined by Colonel John Dixwell, another of the late king's judges. In spite of diligent efforts for their arrest, all three finished their days in New England. Dixwell lived openly at New Haven under a feigned name; the other two remained in concealment, sometimes in Connecticut, sometimes in Massachusetts.

1661.

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Sept

As further evidence of their loyalty, the magistrates of

CHAPTER XIV. Massachusetts passed a censure on Eliot's "Christian Commonwealth," a treatise compiled some years before 1661. by that indefatigable missionary as a frame of government for his converted Indians, but which, in his simplicity, he had lately allowed to be printed in England as a model, in the unsettled state of English politics, worthy to be adopted for the establishment there of a republican commonwealth on "a Scripture platform." Conforming to the necessity of the times, Eliot himself made a public and solemn retraction of the anti-monarchical principles contained in this book, and the circulating copies of it were ordered to be called in and destroyed. May. A general thanksgiving was also appointed in acknowledgment of the king's gracious reception of the colony's address.

June Alarmed by repeated rumors from England of changes intended to be made in their government, the General Court, at their meeting shortly after, judged it proper to set forth, with the assistance of the elders, a distinct declaration of what they deemed their rights under the charter. This declaration claimed for the freemen power to choose their own governor, deputy governor, magistrates, and representatives; to prescribe terms for the admission of additional freemen; to set up all sorts of officers, superior and inferior, with such powers and duties as they might appoint; to exercise, by their annually-elected magistrates and deputies, all authority, legislative, executive, and judicial; to defend themselves by force of arms against every aggression; and to reject any and every imposition which they might judge prejudicial to the colony. This statement of rights might seem to leave hardly any perceptible power either to Parliament or the king. It accorded, however, sufficiently well with the practice of the colony ever since its foundation—a

practice maintained with equal zeal against both royal and parliamentary interference. CHAPTER
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At length, after more than a year's delay, Charles II. was formally proclaimed at Boston. But all disorderly demonstrations of joy on the occasion were strictly prohibited. None were to presume to drink the king's health, which, the magistrates did not scruple to add, "he hath in an especial manner forbidden;" meaning, we must suppose, that the king spake in their laws. As if to make up in words what was wanting in substance, a second loyal address, in the extremest style of Oriental hyperbole, designated the king as one "of the gods among men." A royal order had arrived, the result of solicitations made in England, requiring the discontinuance of corporal punishments inflicted on Quakers; and an act was accordingly passed suspending the persecuting laws. 1661.
Aug.

As it still remained doubtful what the king might do, Bradstreet, one of the founders of the colony, and a magistrate from the beginning, with Norton, the popular minister of Boston, were selected to proceed to England as agents, not, however, without a good deal of opposition, the governor and the deputy governor being against it. This appointment was considered so dangerous, that the agents did not accept it without requiring a guarantee of indemnity against any damage they might sustain by detention or otherwise. A sum of money to pay their expenses was raised by loan. They were specially instructed, among other things, to obtain leave to enact a penal law against Quakers. 1662.
Jan.

Bradstreet and Norton were courteously received in England. But they found affairs there in a bad way for the Puritan interest. Notwithstanding the part taken by the Presbyterians in bringing back the king, and the promises he had made them, Episcopacy was altogether

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in the ascendant. By the Corporation Act lately passed, all municipal magistrates were required to renounce the 1662. Solemn League and Covenant, and to take the sacrament according to the rites of the Church of England. The Act of Uniformity had restored the Liturgy, the canons, and the ceremonials, replacing the Church of England exactly as it stood before the meeting of the late Long Parliament. All clergymen who refused to conform were to lose their cures. To this pressure by far the greater part both of the clergy and laity quietly submitted. But a considerable portion of these forced conformists still retained many of their old sentiments, thus constituting the basis of that Low Church party, or party verging toward Presbyterianism, one of the two great sections into which the Church of England has ever since been divided. Near two thousand clergymen, however, headed by Owen and Baxter, rather than renounce Presbyterianism, suffered themselves to be driven from their cures. They found many adherents among the laity, especially the traders and craftsmen of the towns and cities, and became the fathers of that nonconformist body which has constituted ever since an important element in the political and social system of England. Swept thus suddenly from the headship of an established church, these Presbyterian ministers had now the mortification to find themselves confounded with the Independents, Baptists, Quakers, and other sectaries whom they hated. Exposed to all the old persecuting statutes, now revived in full force, they were forbidden to preach without a bishop's license and the use of the Liturgy, under a penalty of three months' imprisonment.

With the late leaders of the Independents it had gone still harder. Several of them had been already executed for their concern in the late king's death Sir Henry

Vane, formerly governor of Massachusetts, and always a firm friend of New England, presently suffered a similar fate. Others were concealed or in exile. The Independents were far before their time. Their short reign was over. The press, which Cromwell had left free, was now again subjected to a strict censorship. These changes in the mother country occasioned some emigration to New England, but not to any great extent.

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The Massachusetts agents presently returned, bearers of a royal letter, in which the king recognized the charter, and promised oblivion of all past offenses. But he demanded the repeal of all laws inconsistent with his due authority; an oath of allegiance to the royal person, as formerly in use, but dropped since the commencement of the late civil war; the administration of justice in his name; complete toleration for the Church of England; the repeal of the law which restricted the privilege of voting and tenure of office to church members, and the substitution of a property qualification instead; finally, the admission of all persons of honest lives to the sacraments of baptism and the Lord's Supper. Little favor was shown for the Quakers; indeed, liberty was expressly given to make a "sharp law" against them—a permission eagerly availed of to revive the act by which vagabond Quakers were ordered to be whipped from town to town out of the jurisdiction; those resident in the colony being subject to fines and other heavy penalties, and liable, if they returned after being once expelled, to be treated as vagabonds.

Sept.

The claimants for toleration, formerly suppressed with such prompt severity, were now encouraged, by the king's demands in their favor, again to raise their heads. For the next thirty years the people of Massa-

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1662. chusetts were divided into three parties. A very decided, though gradually diminishing majority, sustained with ardor the theocratic system, and, as essential to it, entire independence of external control. At the opposite extreme, a party, small in numbers and feeble in influence, advocated religious toleration, at least to a limited extent, and equal civil rights for all inhabitants. They advocated, also, the supremacy of the crown, sole means in that day of curbing the theocracy, and compelling it to yield its monopoly of power. To this party belonged the Episcopalians, or those inclined to become such, the Baptists, Quakers, and other sectaries, who feared less the authority of a distant monarch than the present rule of watchful and bitter spiritual rivals. Intermediate was a third party, weak at first, but daily growing stronger, and drawing to its ranks, one after another, some former zealous advocates of the exclusive system, convinced that theocracy, in its stricter form, was no longer tenable, and some of them, perhaps, beginning to be satisfied that it was not desirable. Among the earliest of these converts were Norton and Bradstreet, the agents, who came back from England impressed with the necessity of yielding. But the avowal of such sentiments was fatal to their popularity; and Norton, accustomed to nothing but reverence and applause, finding himself now looked at with distrust, soon died of melancholy and mortification.

The vigor of the theocratic system, by the operation of internal causes, was already somewhat relaxed. In spite of the doctrines of total depravity, special grace, and personal regeneration, the influence of parental tenderness had induced the founders of the New England churches to extend from themselves to their "infant seed" the privileges of baptism and a partial church

membership. Among these baptized children, now grown up, were many men of property, reputable lives, and social influence, who conformed strictly to all the observances of the established religion, which they had been educated to regard with profound veneration, but who did not feel, and who were too sincere and too honest to counterfeit those spiritual ecstasies, that change of heart, and inward assurance, in which, by the creed of the New England churches, saving faith was supposed to consist. Lacking this essential qualification, they hesitated to complete what their fathers had begun, by asking admittance as full church members to the Lord's Supper; but they insisted, at the same time, on securing for their children, also, the spiritual benefits of baptism, and the civil privileges of church membership. This demand, for some years past, had been an anxious subject of consideration, especially in Connecticut, where the churches were much torn in pieces by it, so that a Massachusetts council had to be called in to promote a reconciliation. About the time of the return of the agents, a synod met to take this subject into consideration. The majority of the ministers, alarmed at the aspect of things in England, and always better informed and more liberal than the majority of the church members, were willing to enlarge somewhat the basis of their polity. Under the influence of Mitchell—who, having arrived a boy, had been educated in the colony—successor of Shepard as minister of Cambridge, the synod came to a result the same with that agreed upon by a select council of Massachusetts ministers five years before, authorizing what was called the "half-way covenant;" the admission to baptism, that is, of the children of persons of acceptable character, who approved the confession of faith, and had themselves been baptized in infancy,

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CHAPTER though not church members in full communion. This
 XIV. result was approved by the Massachusetts General
 1662. Court. But a large party, narrow, and stiff, and resolute
 in the monopoly of spiritual and civil privileges, still stick-
 led with great pertinacity for the old-fashioned exclusive-
 ness, so that several of the ministers did not dare carry
 out in their own parishes that result of the synod which
 they had been active in procuring.

Davenport and Chauncey protested against the half-
 way covenant. Increase Mather, the young and able
 minister of the second Church of Boston, opposed at first
 the result of the synod; but he afterward changed his
 mind and gave it his support. This question, which
 continued for several years a subject of dispute and in-
 quietude, gave occasion to several pamphlets. The press
 at Cambridge was kept, however, under a strict censor-
 ship, Mitchell being one of the censors; nor was any
 other press allowed to be established.

Connecticut and Rhode Island, having favors to ask,
 had been more prompt than Massachusetts to acknowl-
 1661. edge the authority of Charles II. Winthrop for Con-
 necticut, of which colony he was governor, and Clarke
 for Rhode Island, presented themselves at Charles's
 court in quest of charters. The season was propitious.
 The Restoration, at least for the moment, was a sort of
 era of good feeling. Winthrop might be subject to sus-
 picion as the son-in-law of Hugh Peters; but his talents,
 his scientific acquirements—he was one of the founders
 of the Royal Society—and his suavity of address, se-
 cured him many friends. The aged Lord Say introduced
 him to some influential courtiers, and he seems to have
 1662. encountered little difficulty in obtaining the charter
 April 23. which he sought. That instrument, following the terms
 of the old alleged grant to the Earl of Warwick, estab-

lished for the boundaries of Connecticut the Narraganset River, the south line of Massachusetts, the shore of the Sound, and the Pacific Ocean. It thus not only embraced a large part of the continental portion of Rhode Island, but the whole of New Haven also—an absorption about which the inhabitants of that colony had not been consulted, and with which, at first, they were not very well satisfied.

Clarke, the Rhode Island agent, found a friend in Clarendon, the prime minister; but, in the course of his solicitations, he was obliged to expend a considerable sum of money, for which he mortgaged his own house in Newport, and which the colony was a long time in paying back. He encountered, also, obstruction in the fact that the greater part of Providence Plantation had just been included in the charter of Connecticut. An agreement, presently entered into between Clarke and Winthrop, fixed for the limit between the two colonies the Pawcatuck, declared to be the Narraganset River mentioned in the Connecticut charter; and this agreement was specially set forth in the charter of RHODE ISLAND AND PROVIDENCE PLANTATIONS.

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1663.
July 8.

The charters thus granted vested in the proprietary freemen of Connecticut and Rhode Island the right of admitting new associates, and of choosing annually from among themselves a governor, magistrates, and representatives, with powers of legislation and judicial authority. No appellate jurisdiction and no negative on the laws were reserved to the crown any more than in the charters of Massachusetts, Maryland, and Carolina; but all enactments, as in the other plantations, were to conform, as near as might be, to the laws of England. Except this authority of English law, allegiance to the crown, and the superintending power of Parliament, whatever

CHAPTER that might be, Connecticut and Rhode Island were self-
XIV. governed; so much so, that these same royal charters
1663. remained the basis of their polity long after they became independent states.

Historians have expressed surprise that, under the reign of Charles II., charters so democratic should have been granted. But, in a legal point of view, in the grant by the crown of independent jurisdiction, they did not differ from the other charters hitherto granted for plantations in America. The only difference was in vesting that jurisdiction in a corporation of resident freemen, instead of an English corporation or a single proprietor, with or without a local assembly. The dispute with Massachusetts was still in embryo. The inconveniences of such independent governments had not yet attracted attention. Twenty years after, when Penn' obtained the grant of Pennsylvania, intervening experience, as we shall presently see, caused the insertion into his charter of several additional safeguards for metropolitan authority.

The inhabitants of Rhode Island still adhered to the great principle of which Roger Williams had been so conspicuous an advocate, not of toleration merely, but of religious freedom and equality. "It is much in our hearts to hold forth a lively experiment, that a most flourishing civil state may stand, and best be maintained, with a full liberty of religious concernments;" so they stated in their petition for a charter; and the charter itself provided "that no person within the said colony shall be molested, punished, disquieted, or called in question for any differences of opinion in matters of religion who does not actually disturb the civil peace; but that all and every person and persons may at all times freely and fully have and enjoy his and their own judgments and consciences in matters of religious concernments, they behaving

themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury and outward disturbance of others." CHAPTER
XIV. 1663.

It does not appear that the people of Rhode Island either desired to insert, or were anxious to enforce the dangerous and inconsistent proviso about licentiousness and profaneness—quite sufficient, indeed, to defeat the whole prior grant, since it is only under one or the other of these pretenses that opinions have any where been persecuted. Yet how difficult it is to act up to a principle in the face of prevailing prejudice and opposing example! The Rhode Island laws as first printed, many years posterior to the charter, contain an express exclusion from the privileges of freemen of Roman Catholics, and all persons not professing Christianity. These laws had undergone repeated revisals, and it is now impossible to tell when these restrictions were first introduced, though probably not till after the English revolution of 1688. Statutes were also enacted in Rhode Island, as in the other colonies, prohibiting labor or amusements on Sundays. However open to cavil, yet these laws do not materially diminish the credit of Rhode Island as pioneer in the cause of religious freedom; for in which of our statute-books, even at this very day, are not similar inconsistencies to be found?

The privileges of freemen were restricted in Rhode Island, by act of the colonial assembly, to freeholders and their eldest sons. For the long period that Rhode Island remained chiefly an agricultural community, this limitation was hardly felt as a grievance. Very lately, in our day, amid a manufacturing population, it excited serious discontents, occasioning almost a civil war, only appeased by the adoption of a more liberal provision. The qualifications required of freemen in Connecticut

CHAPTER were not materially different. The right to become
 XIV. such was secured to all inhabitants of "civil, peaceable,
 1663. and honest conversation," possessing £20 estate, about
 \$66, "besides their persons," which, by a subsequent
 act, was explained to mean besides personal property.

This preference of a property qualification instead of the spiritual one of church membership, and the known inclination of Connecticut toward the half-way covenant, were reasons, among others, of the unwillingness of New Haven to coalesce under the new charter. The New
 Sept. Haven people appealed to the Commissioners for the United Colonies of New England against this invasion of their independence on the part of Connecticut. But the advice of that body; the alarm occasioned, the next year, by the grant of New York, which extended as far east as Connecticut River, and threatened thus to absorb New Haven under a far less congenial jurisdiction; more than all, Winthrop's prudent and conciliatory meas-
 1664. ures, at length consolidated the new colony, of which for the next twelve years he was annually chosen governor. The office of deputy governor, at first bestowed on Mason, for several years before deputy governor of Connecticut and acting governor in Winthrop's absence, was after-
 1667. ward given to William Leet, of New Haven, one of the original planters of that colony, its last governor, and, after Winthrop's death, his successor as governor of the united colony. Connecticut, thus consolidated, contained nineteen towns, distributed into four counties: *New Haven, Hartford, Middlesex, and New London.* A superior court of law and county courts were established. The peculiar usages of New Haven being abandoned, the laws of Connecticut were extended to the whole province. The theocratic system of New Haven thus lost its legal establishment, but the administration of the entire

colony was long greatly influenced by theocratic ideas. CHAPTER
The ministers and churches, upheld by taxes levied on XIV.
the whole population, retained for many years a pre- 1663
dominating and almost unlimited authority. No other
assemblies for public worship were tolerated. The town
meetings, as in the rest of New England, were held in
the meeting-houses, which were, indeed, the only public
buildings. The ministers, who were always present,
opened these meetings with prayer, and their influence,
in all doubtful cases, was almost always decisive of the
result.

New Haven thus absorbed into Connecticut, the new
province sent henceforward but two representatives to
the meeting of Commissioners for the United Colonies of
New England. The political consequence of that board
was, however, terminated. The superintendence of the
Indian missions, and the disbursement of the funds re-
mitted from England for that purpose, became henceforth
its chief business. The meetings became triennial, and
soon entirely ceased. An attempt had been made at the
Restoration to strip of its property the English corpora-
tion for the conversion of the Indians, on the ground that
its creation had been irregular and illegal. It was res-
cued, however, by the efforts of Ashurst and Baxter, but
particularly of Robert Boyle, distinguished among the
founders of natural science in England. The king grant-
ed a new charter, thus confirming a decree which Claren-
don, in his character of chancellor, had made in favor of
the old corporation.

While Connecticut and Rhode Island were rejoicing
in their charters, Massachusetts remained uneasy and sus-
picious. An evasive answer had been returned to the
royal letter. The only concession actually made was
the administration of justice in the king's name. Mean-

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while, complaints against the colony were multiplying. Gorges and Mason, grandsons of the grantees of Maine and New Hampshire, alleged that Massachusetts had occupied their provinces. Gorton and other inhabitants of Rhode Island preferred the claim formerly pending before Cromwell, for damages sustained by the seizure of their goods and cattle at the time of their arrest and trial. Wrongs and encroachments were also alleged by the chiefs of the Narragansets, who prayed the king's interference and protection. Controversies had arisen as to the boundaries of Connecticut and Rhode Island on the one side, and of Rhode Island and Plymouth colony on the other, and as to the title to lands in that vicinity under purchases from the Indians. The king presently signified his intention to send out commissioners for hearing and determining all these matters—a piece of information which occasioned no little alarm in Massachusetts, aggravated by the appearance of a large comet. A fast was proclaimed. The charter was intrusted to a select committee of the General Court for safe keeping.

The commissioners selected by the king were those already mentioned in a previous chapter, Nichols, Carr, and Cartwright, sent with a small armament to take possession of New Netherland, to whom was added Samuel Maverick, a resident of Massachusetts, son of the first minister of Dorchester, and the more obnoxious on that account, being regarded as a traitor. The arrival of the commissioners at Boston, and their first intercourse with the magistrates, has been adverted to already in the history of New Netherland. The magistrates declared themselves unauthorized to raise troops for the expedition thither without the consent of the General Court. The commissioners declined to await the meeting of that body, and departed, advising the magistrates against

their return to take the king's letter into serious consideration.

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The court, which presently met, voted two hundred soldiers; but they were not needed, New Netherland having already submitted. As one step toward compliance with the king's demands, it was enacted, that all freeholders twenty-four years of age, "rated at ten shillings to a single rate," and certified by the minister of their town to be "orthodox in their principles," and "not vicious in their lives," might be admitted freemen, though not church members. However useful in conciliating some of the more wealthy and well-disposed among the hitherto non-freemen, this law made no substantial change in the elective franchise. Comparatively few possessed the requisite amount of property, and the required certificate could only be obtained by those known to be thoroughly well affected. The court, at the same time, voted a remonstrance to the king against the appointment of the commissioners, as being a violation of their chartered rights; and they made an order prohibiting any appeals to their authority or exercise of it within the jurisdiction of Massachusetts.

1664,
Sept.

The people of Connecticut, well satisfied at the subjection of the Dutch, with whom they had been in such constant collision, and having boundary questions to settle both on the east and west, received the king's commissioners with all respect. Governor Winthrop, as we have seen in a former chapter, accompanied them to the conquest of New Netherland. After settling the boundaries of Connecticut and New York, of which the particulars will be stated hereafter, and leaving Nichols at New York as governor, Carr and Cartwright proceeded to Massachusetts to meet Maverick.

Dec.

The hopes of the sectaries in that colony had been so

CHAPTER far raised, that Thomas Gould, with eight others, after
 XIV. meeting for some time in secret, had formally organized
 1664. a Baptist Church in Boston. Prosecutions were com-
 May 28. menced against its prominent members, who were first
 admonished, then fined for absence from public worship,
 then disfranchised, imprisoned, and presently banished.
 But still the organization contrived to survive, the first
 Baptist Church of Massachusetts. Still another inroad,
 not less alarming, was now made upon ecclesiastical
 uniformity. The commissioners, on their arrival, caused
 the English Church service to be celebrated at Boston—
 the first performance of that hated ceremonial in that
 Puritan town. Out of respect to the inveterate preju-
 dices of the people, the surplice was not used. But the
 Liturgy alone was sufficiently distasteful.

The remonstrances of Massachusetts against the pow-
 ers and appointment of the commissioners were esteemed
 in England unreasonable and groundless. Clarendon
 and others, to whom the magistrates had written, justi-
 fied the commission, and recommended submission to it.
 Very little attention, however, was paid to this advice.
 The magistrates were sturdy and unbending; the com-
 missioners were haughty, overbearing, and consequen-
 tial. Both parties disliked and suspected each other;
 and the correspondence between them soon degenerated
 into a bitter altercation.

Pending this correspondence, the commissioners made
 1665. a visit to Plymouth and Rhode Island. The Plymouth
 people, anxious to obtain a charter, professed a willing-
 ness to comply with all the king's demands, as expressed
 in his letter to Massachusetts—demands, indeed, to
 which, according to their account, their existing practice
 in most points conformed. The commissioners settled
 the boundary controversy between Plymouth and Rhode

Island by confirming to Plymouth all such townships on the Narraganset waters as had been granted and settled by that colony. They offered, also, their gratuitous services to obtain a royal charter for Plymouth, if the king might have the appointment of governor out of two or three persons to be named by the colonists. The Plymouth people, however, with many thanks, and great protestations of loyalty, chose rather "to be as they were."

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1665.

What chiefly occupied the attention of the commissioners at this time was the decision of a complicated controversy as to the jurisdiction and property of the lands south of Providence and Warwick, including part of the late Pequod country and the whole district inhabited by the Narragansets. The Pequod lands having been claimed both by Massachusetts and Connecticut, the Commissioners for the United Colonies had assigned the tract west of Mystic River to Connecticut, and the tract east of it to Massachusetts, a partition never entirely satisfactory to Connecticut. There could be no pretense that the charter of Massachusetts covered any part of this territory, and Connecticut now claimed, under the words of her new charter, as far east as Narraganset Bay, notwithstanding the express agreement of her agent, as set forth in the charter of Rhode Island, that the Pawcatuck should be esteemed the Narraganset River referred to in the Connecticut charter. Another claim was put forward to the whole district between Narraganset Bay and the Connecticut, on behalf of the heirs of the Marquis of Hamilton, under the old grant made to him by the Council for New England just previous to the surrender of the great New England patent. The property in the lands was also disputed no less than the right of jurisdiction. Humphrey Atherton, late su-

1658.

Sept. 16.

CHAPTER XIV. perintendent of the Indian subjects of Massachusetts, had taken advantage of his official position to obtain from*

1665. the Indians sundry large grants of land. The Commissioners for the United Colonies of New England, some five years before, had imposed on the Niantics, on the ground of their non-fulfillment of the treaty made with Major Willard, a fine of six hundred fathoms of wampum, and an armed force had compelled the chiefs to mortgage their whole territory for its payment. Atherton, with some associates, had advanced the means to the Indians to pay off this mortgage, upon security, however, of another, under which the mortgagees had already taken possession. But all these purchases were held void by Rhode Island, as having been made within her jurisdiction, but without her authority, and in contravention of her laws. The Narragansets, seeing themselves in danger of being stripped of their lands, had carried their complaints to the king. Pessacus required, in particular, that no strong liquors might be sold to his people.

1660. Sept. 29.

Oct. 13. 1662.

After hearing the parties, the commissioners directed that the territory in dispute, including the whole Narraganset country, should constitute, under the name of KING'S PROVINCE, a separate district. The purchases and mortgage of Atherton, then in the hands of a company of Boston land speculators, were declared void, but the Indians were to pay back what they had received. This decision, however, did not end the matter. It was held invalid because it wanted the signature of Nichols, whose participation was essential to all decisions of the commissioners. Disputes, both as to jurisdiction and land titles, presently revived, and were carried on for the next fifty years with an acrimony which created much ill will between Connecticut, Rhode Island, and the members of the Atherton Land Company.

The first governor of Rhode Island under the new charter was Benedict Arnold, the former opponent of Gorton. Succeeded in 1666 by William Brenton, he was re-elected in 1669, and continued in office till 1672, when Nicholas Easton was chosen. All three had been presidents under the first charter.

The commissioners, on their return to Boston, unable, after a protracted correspondence, to come to any understanding with the magistrates, proposed, at length, to sit in form, for the purpose of hearing complaints against the colony, of which no less than thirty had been exhibited. The General Court, by public proclamation, at the sound of the trumpet, prohibited any such procedure, as contrary to their charter, and invasive of their exclusive jurisdiction within the limits of Massachusetts. Thus met, and without a military force, or any means to support their authority, the commissioners were obliged to forego their intentions. They presently left Boston, and proceeded to New Hampshire and Maine, where they decided in favor of the claims of Mason and Gorges. But the New Hampshire towns, satisfied with the rule of Massachusetts, and afraid of Mason's pretensions to quit-rents, did not favor the plans of the commissioners. More successful in Maine, where they were supported by the old Episcopal party, they issued commissions for a new government, which was accordingly organized. On their return to Boston, the magistrates complained that they had disturbed the peace of Maine, and requested an interview. The commissioners refused with much asperity, accusing the magistrates of treason, and threatening them with the king's vengeance.

June.

Oct.

The commissioners were accustomed to hold of Saturday nights a social party at a tavern in Ann-street, kept by one Robert Vyal, vintner. This was contrary to the

CHAPTER XIV. law, which required the strict observance of Saturday night as a part of the Lord's day. A constable went
 1666. to break them up, but was beaten and driven off by Sir
 Jan. 18. Robert Carr and his servant. Mason, another constable, bolder and more zealous, immediately proceeded to Vyal's tavern; but, meanwhile, the party had adjourned to the house of a merchant over the way. Mason went in, staff in hand, and reproached them, king's officers as they were, who ought to set a better example, for being so uncivil as to beat a constable; telling them it was well they had changed their quarters, as otherwise he should have arrested them all. "What," said Carr, "arrest the king's commissioners!" "Yes," answered Mason, "the king himself, had he been there." "Treason! treason!" shouted Maverick; "knave, thou shalt presently hang for this!" And he called on the company to take notice of the words.

The next day Maverick sent a letter to the governor, accusing the constable of treason. The governor also sent a polite note to Carr, informing him of a complaint for assault and battery lodged against him by the constable he had beaten. What was done in that case does not appear; but Mason being bound over to the next court, the grand jury found a bill against him. Maverick, however, declined to prosecute, declaring his belief that the man had spoken inconsiderately, intending no harm. The magistrates thought the matter too serious to be dropped in that way. They did not choose to expose themselves to the charge of winking at treason. The matter finally came before the General Court, where Mason was acquitted of the more serious charge, but was fined for insolence and indiscretion, principally, no doubt, through apprehension lest some handle might be made of the matter by the commissioners.

Having transmitted to England the results of their labors, the commissioners presently received letters of recall, approving their conduct, and that of all the colonies except Massachusetts. That province was ordered by the king to appoint "five able and meet persons to make answer for refusing the jurisdiction of his commissioners." Bellingham, governor since Endicott's death the year before, and Hathorne, late speaker of the deputies, but now a magistrate, both of whom had taken a very active part in opposition, were specially summoned, on their allegiance, to appear personally, as two of the number.

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1666.

This demand, transmitted through Maverick, who sent a copy of the royal letter to the magistrates, occasioned no little alarm. The General Court was called together in special session. Petitions came in from Boston, Ipswich, and other towns, urging compliance. After a forenoon spent in prayer by six ministers, a consultation with the elders, and a warm debate, the petitioners were censured for their unnecessary interference, and a short address to the king was agreed to, of which the principal object seemed to be to excuse themselves from an invasion of Canada, which the king had recommended in a former letter of notice that the French had joined the Dutch in the war against him. Some loss, as they informed his majesty, they had suffered already from privateers, but they had taken measures to protect themselves for the future. They do, indeed, mention, in a cursory manner, another paper, purporting to be an order from his majesty, but of the authenticity of which, as it lacked the customary seal and signature, they profess to have some doubts. From sending over agents, as that paper required, they excused themselves on the ground that no agents they

Sept.

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could send could make their case any plainer. "Prostrate before his majesty," they beseech him "to be graciously pleased to rest assured of their loyalty according to their former professions." At the same time they sent a present of masts for the royal navy, and a contribution of provisions for the English fleet in the West Indies—seasonable supplies, which were graciously acknowledged. This bold step of disobeying the king's special orders was not taken, however, without great opposition. Bradstreet and Denison, both sons-in-law of the late Governor Dudley, insisted strongly on the duty as well as the expediency of obedience. The Boston merchants, greatly alarmed lest their ships should be seized in England, refused to advance the £1000 voted by the court to purchase the presents for the king unless agents were also appointed. But, in spite of opposition, the original determination was adhered to.

The oversight of the affairs of the colonies had been intrusted, subsequently to the Restoration, to a committee of the Privy Council, specially appointed for that purpose, whose principal business it seems to have been to discover ways and means of rendering the colonies more dependent on the royal authority, and more and more subservient to a jealous and narrow view of the commercial interests of the mother country. But the trade of Massachusetts had not yet become an object of jealousy, and the king was left to manage the controversy with little or no sympathy from the nation.

Circumstances at the moment favored the theocracy. Charles at this time was very hard pressed. The Dutch war gave the king's ministers full employment. A Dutch fleet presently sailed up the Thames, and threatened London, already ravaged by the plague and the great fire. The English government was too busy with

affairs at home to give much attention to the colonies, and for the present the obstinacy of Massachusetts went unnoticed and unpunished. The king and his council hardly knew what to do. Very exaggerated notions prevailed in England as to the power and population of Massachusetts; nor was aid to be expected from Parliament in a quarrel with a distant colony merely as to the extent of the royal prerogative. CHAPTER
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As yet the acts of trade were hardly a subject of controversy. The Parliament, which had welcomed back the king, had indeed re-enacted, with additional clauses, the ordinance of 1651; an act which, by restricting exportations from America to English, Irish, and colonial vessels, substantially excluded foreign ships from all Anglo-American harbors. To this, which might be regarded as a benefit by the New England ship-owners, a provision was added, intended still further to isolate the colonies, the more valuable colonial staples, mentioned by name and hence known as "enumerated articles," being required to be shipped exclusively to England, or some English colony. The exportation to the colonies was also prohibited of any product of Europe, unless in English vessels and from England, except horses, servants, and provisions from Ireland and Scotland. But of the "enumerated articles," none were produced in New England; while salt for the fisheries, and wine from Madeira and the Azores, branches of foreign trade in which New England was deeply interested, were specially exempted from the operation of an act which had chiefly in view the more southern colonies, and as to which it was even doubted whether New England was at all bound by it. 1666.

Shortly after the departure of the royal commissioners, Leverett, now major general of the colony, was sent to Maine, with three other magistrates, and a body of 1668.

CHAPTER horse, to re-establish the authority of Massachusetts.
XIV.

In spite of the remonstrances of Nichols at New York,
1668. the new government lately set up was obliged to yield.

July. Several persons were punished for speaking irreverently
of the re-established authority of Massachusetts.

Though successful as yet against external assaults,
the Massachusetts theocracy was not without internal
troubles. The increase of Baptists occasioned much
alarm. As persecution availed so little, it had been re-
solved to try the force of argument. Six of the chief
ministers, aided by the governor and magistrates, held a
April 14. grand debate at Boston with the Baptists of that town,
assisted by a deputation of brethren from Newport. In
spite of the splendid victory which the Boston ministers
claimed to have achieved, the Boston Baptists remained
obstinate; the heresy continued to spread; and recourse
was again had to a strict execution of the penal laws.
The Baptists, not daring to assemble in the town, held
their meetings secretly on the island, now East Boston.

The "half-way covenant" still continued, also, an occa-
sion of bitter controversy. Davenport, the spiritual fa-
ther of New Haven, was very vehement against it. His
zeal in this matter gave great satisfaction to a majority
of the first church of Boston, and, on Wilson's death,
Davenport was invited to become their pastor. The
church at New Haven complained loudly at thus losing
their minister, while a minority of the Boston Church,
adherents of the "half-way covenant," equally dissatis-
1669. fied with Davenport's settlement there, seceded and
May. formed a new church, known afterward as the "Old
1670. South." The General Court of the next year, in which
the opponents of the "half-way covenant" happened to
have a majority, pronounced this secession "irregular,
1671. illegal, and disorderly." At the next election the oppo-

site party carried the day, and the seceders were sus-
 tained in the course they had taken. A very warm
 controversy was kept up for the next fourteen years, till
 increasing dangers from abroad brought the two churches
 again into harmony.

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1671.

The Quakers, as yet, had abated nothing of their en-
 thusiastic zeal, of which the colonists had a new specimen,
 that greatly tried their patience, in two young married
 women, who walked naked through the streets of New-
 bury and Salem, in emulation of the prophet Ezekiel, as
 a sign of the nakedness of the land. They were whipped
 from town to town out of the colony, under the law against
 vagabond Quakers; the young husband of one of them
 following the cart to which his wife was tied, and from
 time to time interposing his hat between her naked and
 bleeding back and the lash of the executioner. George
 Fox, founder and apostle of the sect, in his missionary
 travels through the English colonies, came as far as Rhode
 Island, but, more discreet than some of his disciples, he
 did not venture into Connecticut or Massachusetts.

1672.

The New England theocracy as against Quakerism
 found an unexpected champion in Roger Williams, who
 denied the pretensions of the Quakers to spiritual en-
 lightenment, and challenged Fox himself to a disputa-
 tion. Before this challenge arrived Fox was gone; but
 it was accepted on his behalf by three of his chief disci-
 ples at Newport, with whom Williams held a three days'
 disputation. He came the day before, in his own boat,
 thirty miles from Providence, himself, now upward of
 seventy years of age, acting as oarsman. "God gra-
 ciously assisted me," he writes, "in rowing all day
 with my old bones, so that I got to Newport toward the
 midnight before the morning appointed." Williams,
 alone, had three vociferous champions against him.

July.

Aug. 9,
10, 11.

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There was no moderator, and no one was allowed to interfere. The debate was tumultuous, and at the end of 1672. the first day the challenger was heartily sick of it. He carried it through, however, for three days, and then adjourned for a fourth day at Providence. We have an account of this disputation in "George Fox digged out of his Burroughs," the only one of Williams's writings permitted to be published in New England. It did not make its appearance, however, till four years after the dispute. Fox published, in reply, "A New England Firebrand quenched." Neither of these treatises is at all remarkable for tenderness of speech or chariness of epithet. In spite of Williams's arguments, the Quaker sect increased so much in Rhode Island, that Coddington, 1675. now a Quaker, was presently elected governor.

Meanwhile the growing commerce of Boston began to attract the notice and envy of the jealous English merchants. Though the houses were generally wooden, and the streets narrow and crooked, "with little decency and no uniformity," that town, by far the largest and most commercial in the colonies, already had a population of seven or eight thousand; among them, some merchants of considerable capital and active enterprise. New England trading vessels frequented the Southern colonies, Maryland, Virginia, Carolina, Antigua, and Barbadoes, which they supplied to a great extent with European goods, taking in return tobacco, sugar, rum, and other tropical products, which they sold in Spain, Italy, and Holland, along with their own staples of fish and staves, thus evading the navigation acts, and interfering with that monopoly of colonial trade which the English mer- 1672. chants aimed to secure. Hence a new act of Parliament, imposing on the transit of "enumerated articles" from colony to colony the same duties payable on the

introduction of those articles into England. For the collection of these duties, the same act authorized the establishment of custom-houses in the colonies, under the superintendence of the English Commissioners of the Customs. Such was the origin of royal custom-houses in America, and of commercial duties levied there by authority of Parliament and in the name of the king.

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1672.

As these inter-colonial duties were to be levied at the ports of shipment, and as the "enumerated articles," tobacco, sugar, rum, &c., were the produce exclusively of the Southern colonies, there was yet no occasion for royal custom-house officers in New England. Some slight duties on imports, levied by the colonial authorities, were too inconsiderable to prove any impediment to trade.

A second Dutch war produced but transient alarm. The Massachusetts authorities, in fact, took advantage of it to give a new extension to their territory. A new survey of the Merrimac had been made, by which the northern boundary of Massachusetts was carried two leagues further north, being fixed at $43^{\circ} 49' 12''$ of north latitude. According to the calculations of the surveyors, it crossed the Sagadahoc near where Bath now stands, stretching as far eastward as the southwest point of Penobscot Bay, including the Plymouth settlement at Sagadahoc, the ancient colony of Pemaquid, and other villages on the eastern coasts and islands. A Dutch fleet having recaptured the ancient New Netherland, the authorities of Massachusetts were induced to take advantage of this temporary overthrow of the Duke of York's government to stretch their authority over the eastern villages included in the re-survey. High-sounding reasons in behalf of this annexation were not wanting. "That the ways of godliness may be encouraged and vice corrected," the annexed territory was erected into

1671.

1673.

Oct

CHAPTER the new county of *Devonshire*. All that now remained
 XIV. to the Duke of York of his late extensive province were
 1673. some little hamlets on the west shore of the Penobscot
 Bay. But this arrangement was destined to be very
 short-lived.

May. Governor Bellingham, who died in office at a patri-
 archal age, had been succeeded by Leverett. Bradstreet,
 though a magistrate since the foundation of the colony,
 was still in disgrace from his attachment to a moderate
 course of policy. Denison, however, Bradstreet's brother-
 in-law, and, like him, an adherent of the moderate par-
 ty, regained the office of major general, to which he had
 been elected ten years before, but had then laid down to
 make room for Leverett. The plantations were grad-
 ually extending. The future progress of New England
 in wealth and numbers was already foreseen. As yet,
 however, the entire white population did not exceed sixty
 thousand, distributed along the sea-coast and the banks
 of the Lower Connecticut. Lancaster, about forty miles
 from Boston, was the frontier town of the Bay settle-
 ments; Brookfield, some thirty miles from the river, was
 the most eastern town of those in the Connecticut Val-
 ley. There intervened between these townships a great
 space of rugged country, wholly unsettled, and occupied
 by a few straggling Indians.

Except in the destruction of the Pequods, the native
 tribes of New England had as yet undergone no very
 material diminution. The Pocanokets or Wampanoags,
 though somewhat curtailed in their limits, still occu-
 pied the eastern shore of Narraganset Bay. The Nar-
 ragansets still possessed the western shore. There were
 several scattered tribes in various parts of Connecticut;
 though, with the exception of some small reservations,
 they had already ceded all their lands. Uncas, the Mo-

hegan chief, was now an old man. The Pawtucket or Penacook confederacy continued to occupy the falls of the Merrimac and the heads of the Piscataqua. Their old sachem, Passaconaway, regarded the colonists with awe and veneration. In the interior of Massachusetts and along the Connecticut were several other less noted tribes. The Indians of Maine and the region eastward possessed their ancient haunts undisturbed; but their intercourse was principally with the French, to whom, since the late peace with France, Acadie had been again yielded up. The New England Indians were occasionally annoyed by war parties of Mohawks; but, by the intervention of Massachusetts, a peace had recently been concluded.

Efforts for the conversion and civilization of the Indians were still continued by Eliot and his coadjutors, supported by the funds of the English society. In Massachusetts there were fourteen feeble villages of these praying Indians, and a few more in Plymouth colony. The whole number in New England was about thirty-six hundred, but of these near one half inhabited the islands of Nantucket and Martha's Vineyard.

We have seen, in former chapters, the strict hand held by Massachusetts over the Narragansets and other subject tribes, as well as the contraction of their limits by repeated cessions, not always entirely voluntary. The Wampanoags, within the jurisdiction of Plymouth, experienced similar treatment. By successive sales of parts of their territory, they were now shut up, as it were, in the necks or peninsulas formed by the northern and eastern branches of Narraganset Bay, the same territory now constituting the continental eastern portion of Rhode Island. Though always at peace with the colonists, the Wampanoags had not always escaped suspicion. The

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- increase of the settlements around them, and the progressive curtailment of their limits, aroused their jealousy. They were galled, also, by the feudal superiority, similar to that of Massachusetts over her dependent tribes, claimed by Plymouth on the strength of certain alleged former submissions. None felt this assumption more keenly than Pometacom, head chief of the Wampanoags, better known among the colonists as King Philip of Mount Hope, nephew and successor of that Massasoit who had welcomed the Pilgrims to Plymouth. Suspected of hostile designs, he had been compelled to deliver up his fire-arms, and to enter into certain stipulations. These stipulations he was accused of not fulfilling; and nothing but the interposition of the Massachusetts magistrates, to whom Philip appealed, prevented Plymouth from making war upon him. He was sentenced instead to pay a heavy fine, and to acknowledge the unconditional supremacy of that colony.

A praying Indian, who had been educated at Cambridge and employed as a teacher, upon some misdemeanor had fled to Philip, who took him into service as a sort of secretary. Being persuaded to return again to his former employment, this Indian accused Philip anew of being engaged in a secret hostile plot. In accordance with Indian ideas, the treacherous informer was waylaid and killed. Three of Philip's men, suspected of having killed him, were arrested by the Plymouth authorities, and, in accordance with English ideas, were tried for murder by a jury half English, half Indians, convicted upon very slender evidence, and hanged. Philip retaliated by plundering the houses nearest Mount Hope. Presently he attacked Swanzey, and killed several of the inhabitants. Plymouth took measures for raising a military force. The neighboring colonies were sent to for assistance

Thus, by the impulse of suspicion on the one side and passion on the other, New England became suddenly engaged in a war very disastrous to the colonists, and utterly ruinous to the native tribes. The lust of gain, in spite of all laws to prevent it, had partially furnished the Indians with fire-arms, and they were now far more formidable enemies than they had been in the days of the Pequods. Of this the colonists hardly seem to have thought. Now, as then, confident of their superiority, and comparing themselves to the Lord's chosen people driving the heathen out of the land, they rushed eagerly into the contest, without a single effort at the preservation of peace. Indeed, their pretensions hardly admitted of it. Philip was denounced as a rebel in arms against his lawful superiors, with whom it would be folly and weakness to treat on any terms short of absolute submission.

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1675

A body of volunteers, horse and foot, raised in Massachusetts, marched under Major Savage, four days after the attack on Swanzey, to join the Plymouth forces. After one or two slight skirmishes, they penetrated to the Wampanoag villages at Mount Hope, but found them empty and deserted. Philip and his warriors, conscious of their inferiority, had abandoned their homes. If the Narragansets, on the opposite side of the bay, did not openly join the Wampanoags, they would, at least, be likely to afford shelter to their women and children. The troops were therefore ordered into the Narraganset country, accompanied by commissioners to demand assurances of peaceful intentions, and a promise to deliver up all fugitive enemies of the colonists—pledges which the Narragansets felt themselves constrained to give.

June 28.

Arrived at Taunton on their return from the Narraganset country, news came that Philip and his warriors

CHAPTER had been discovered by Church, of Plymouth colony, col-
 XIV. lected in a great swamp at Pocasset, now Tiverton, the
 1675. southern district of the Wampanoag country, whence
 small parties sallied forth to burn and plunder the neigh-
 boring settlements. After a march of eighteen miles,
 July 16. having reached the designated spot, the soldiers found
 there a hundred wigwams lately built, but empty and de-
 serted, the Indians having retired deep into the swamp.
 The colonists followed; but the ground was soft; the
 thicket was difficult to penetrate; the companies were
 soon thrown into disorder. Each man fired at every bush
 he saw shake, thinking an Indian might lay concealed
 behind it, and several were thus wounded by their own
 friends. When night came on, the assailants retired with
 the loss of sixteen men. The swamp continued to be
 watched and guarded, but Philip broke through, not with-
 out some loss, and escaped into the country of the Nip-
 mucks, in the interior of Massachusetts. That tribe had
 July 24. already commenced hostilities by attacking Mendon.
 Aug. 2. They waylaid and killed Captain Hutchinson, a son of
 the famous Mrs. Hutchinson, and sixteen out of a party
 of twenty sent from Boston to Brookfield to parley with
 them. Attacking Brookfield itself, they burned it, ex-
 cept one fortified house. The inhabitants were saved
 by Major Willard, who, on information of their danger,
 came with a troop of horse from Lancaster, thirty miles
 through the woods, to their rescue. A body of troops
 presently arrived from the eastward, and were stationed
 for some time at Brookfield.

The colonists now found that by driving Philip to ex-
 tremity they had roused a host of unexpected enemies.
 The River Indians, anticipating an intended attack upon
 Sept. 1. them, joined the assailants. Deerfield and Northfield,
 the northernmost towns on the Connecticut River, set-

ted within a few years past, were attacked, and several of the inhabitants killed and wounded. Captain Beers, sent from Hadley to their relief with a convoy of provisions, was surprised near Northfield and slain, with twenty of his men. Northfield was abandoned, and burned by the Indians.

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1675.

Sept. 11.

“The English at first,” says Gookin, “thought easily to chastise the insolent doings and murderous practice of the heathen; but it was found another manner of thing than was expected; for our men could see no enemy to shoot at, but yet felt their bullets out of the thick bushes where they lay in ambush. The English wanted not courage or resolution, but could not discover nor find an enemy to fight with, yet were galled by the enemy.” In the arts of ambush and surprise, with which the Indians were so familiar, the colonists were without practice. It is to the want of this experience, purchased at a very dear rate in the course of the war, that we must ascribe the numerous surprises and defeats from which the colonists suffered at its commencement.

Driven to the necessity of defensive warfare, those in command on the river determined to establish a magazine and garrison at Hadley. Captain Lathrop, who had been dispatched from the eastward to the assistance of the river towns, was sent with eighty men, the flower of the youth of Essex county, to guard the wagons intended to convey to Hadley three thousand bushels of unthreshed wheat, the produce of the fertile Deerfield meadows. Just before arriving at Deerfield, near a small stream still known as Bloody Brook, under the shadow of the abrupt conical Sugar Loaf, the southern termination of the Deerfield mountain, Lathrop fell into an ambush, and, after a brave resistance, perished there with all his company. Captain Moseley, stationed at Deer-

Sept. 18.

CHAPTER field, marched to his assistance, but arrived too late to
 XIV. help him. Deerfield was abandoned, and burned by the
 1675. Indians. Springfield, about the same time, was set on
 fire, but was partially saved by the arrival, with troops
 from Connecticut, of Major Treat, successor to the late-
 deceased Mason in the chief command of the Connec-
 Oct. 19. ticut forces. An attack on Hatfield was vigorously re-
 pelled by the garrison.

Meanwhile, hostilities were spreading; the Indians on the Merrimac began to attack the towns in their vicinity; and the whole of Massachusetts was soon in the utmost alarm. Except in the immediate neighborhood of Boston, the country still remained an immense forest, dotted by a few openings. The frontier settlements could not be defended against a foe familiar with localities, scattered in small parties, skillful in concealment, and watching with patience for some unguarded or favorable moment. Those settlements were mostly broken up, and the inhabitants, retiring toward Boston, spread every where dread and intense hatred of "the bloody heathen." Even the praying Indians, and the small dependent and tributary tribes, became objects of suspicion and terror. They had been employed at first as scouts and auxiliaries, and to good advantage; but some few, less confirmed in the faith, having deserted to the enemy, the whole body of them were denounced as traitors. Eliot the apostle, and Gookin, superintendent of the subject Indians, exposed themselves to insults, and even to danger, by their efforts to stem this headlong fury, to which several of the magistrates opposed but a feeble resistance. Troops were sent to break up the praying villages at Mendon, Grafton, and others in that quarter. The Natick Indians, "those poor despised sheep of Christ," as Gookin affectionately calls them, were hur-

ried off to Deer Island, in Boston harbor, where they suffered excessively from a severe winter. A part of the praying Indians of Plymouth colony were confined, in like manner, on the islands in Plymouth harbor. 1675.

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Not content with realities sufficiently frightful, superstition, as usual, added bugbears of her own. Indian bows were seen in the sky, and scalps in the moon. The northern lights became an object of terror. Phantom horsemen careered among the clouds, or were heard to gallop invisible through the air. The howling of wolves was turned into a terrible omen. The war was regarded as a special judgment in punishment of prevailing sins. Among these sins, the General Court of Massachusetts, after consultation with the elders, enumerated neglect in the training of the children of church members; pride, in men's wearing long and curled hair; excess in apparel; naked breasts and arms, and superfluous ribbons; the toleration of Quakers; hurry to leave meeting before blessing asked; profane cursing and swearing; tippling houses; want of respect for parents; idleness; extortion in shop-keepers and mechanics; and the riding from town to town of unmarried men and women, under pretense of attending lectures—"a sinful custom, tending to lewdness." Penalties were denounced against all these offenses; and the persecution of the Quakers was again renewed. A Quaker woman had recently frightened the Old South congregation in Boston by entering that meeting-house clothed in sackcloth, with ashes on her head, her feet bare, and her face blackened, intending to personify the small-pox, with which she threatened the colony, in punishment for its sins.

Oct. 19.

About the time of the first collision with Philip, the Tarenteens, or Eastern Indians, had attacked the settlements in Maine and New Hampshire, plundering and

CHAPTER burning the houses, and massacring such of the inhab-
 XIV. itants as fell into their hands. This sudden diffusion of

1675. hostilities and vigor of attack from opposite quarters, made the colonists believe that Philip had long been plotting and had gradually matured an extensive conspiracy, into which most of the tribes had deliberately entered, for the extermination of the whites. This belief infuriated the colonists, and suggested some very questionable proceedings. It seems, however, to have originated, like the war itself, from mere suspicions. The same griefs pressed upon all the tribes; and the struggle once commenced, the awe which the colonists inspired thrown off, the greater part were ready to join in the contest. But there is no evidence of any deliberate concert; nor, in fact, were the Indians united. Had they been so, the war would have been far more serious. The Connecticut tribes proved faithful, and that colony remained untouched. Uncas and Ninigret continued friendly; even the Narragansets, in spite of so many former provocations, had not yet taken up arms. But they were strongly suspected of intention to do so, and were accused by Uncas of giving, notwithstanding their recent assurances, aid and shelter to the hostile tribes.

Sept. 9 An attempt had lately been made to revive the union of the New England colonies. At a meeting of commissioners, those from Plymouth presented a narrative of the origin and progress of the present hostilities. Upon the strength of this narrative the war was pronounced "just and necessary," and a resolution was passed to carry it on at the joint expense, and to raise for that purpose a thousand men, one half to be mounted dragoons. If the Narragansets were not crushed during the winter, it was feared they might break out openly hostile in the spring; and at a subsequent meeting a thousand men

were ordered to be levied to co-operate in an expedition specially against them. CHAPTER
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The winter was unfavorable to the Indians; the leafless woods no longer concealed their lurking attacks. The frozen surface of the swamps made the Indian fastnesses accessible to the colonists. The forces destined against the Narragansets—six companies from Massachusetts, under Major Appleton; two from Plymouth, under Major Bradford; and five from Connecticut, under Major Treat—were placed under the command of Josiah Winslow, governor of Plymouth since Prince's death—son of that Edward Winslow so conspicuous in the earlier history of the colony. The Massachusetts and Plymouth forces marched to Petasquamscot, on the west shore of Narraganset Bay, where they made some forty prisoners. Being joined by the troops from Connecticut, and guided by an Indian deserter, after a march of fifteen miles through a deep snow, they approached a swamp in what is now the town of South Kingston, one of the ancient strongholds of the Narragansets. Driving the Indian scouts before them, and penetrating the swamp, the colonial soldiers soon came in sight of the Indian fort, built on a rising ground in the morass, a sort of island of two or three acres, fortified by a palisade, and surrounded by a close hedge a rod thick. There was but one entrance, quite narrow, defended by a tree thrown across it, with a block-house of logs in front and another on the flank. It was the "Lord's day," but that did not hinder the attack. As the captains advanced at the heads of their companies, the Indians opened a galling fire, under which many fell. But the assailants pressed on, and forced the entrance. A desperate struggle ensued. The colonists were once driven back, but they rallied and returned to the charge, and, after a two hours' fight, be-

1675.

1672.

1675.

Dec. 12.

Dec. 18.

Dec. 19.

CHAPTER came masters of the fort. Fire was put to the wigwams,
XIV.
near six hundred in number, and all the horrors of the

1675. Pequod massacre were renewed. The corn and other winter stores of the Indians were consumed, and not a few of the old men, women, and children perished in the flames. In this bloody contest, long remembered as the "Swamp Fight," the colonial loss was terribly severe. Six captains, with two hundred and thirty men, were killed or wounded; and at night, in the midst of a snow storm, with a fifteen miles' march before them, the colonial soldiers abandoned the fort, of which the Indians resumed possession. But their wigwams were burned; their provisions destroyed; they had no supplies for the winter; their loss was irreparable. Of those who survived the fight, many perished of hunger.

1676. Even as a question of policy, this attack on the Narragansets was more than doubtful. The starving and infuriated warriors, scattered through the woods, revenged themselves by attacks on the frontier settlements. Lan-

Feb. 10. caster was burned, and forty of the inhabitants killed or taken; among the rest, Mrs. Rolandson, wife of the minister, the narrative of whose captivity is still preserved.

Groton, Chelmsford, and other towns in that vicinity
Feb. 21. were repeatedly attacked. Medfield, twenty miles from Boston, was furiously assaulted, and, though defended by three hundred men, half the houses were burned. Wey-

Feb. 25. mouth, within eighteen miles of Boston, was attacked a few days after. These were the nearest approaches which the Indians made to that capital. For a time the neighborhood of the Narraganset country was abandoned. The Rhode Island towns, though they had no part in undertaking the war, yet suffered the consequences of it. War-

March 17. wick was burned, and Providence was partially destroyed. Most of the inhabitants sought refuge in the islands;

but the aged Roger Williams accepted a commission as captain for the defense of the town he had founded. CHAPTER
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Walter Clarke was presently chosen governor in Coddington's place, the times not suiting a Quaker chief magistrate. 1676.

The whole colony of Plymouth was overrun. Houses were burned in almost every town; but the inhabitants, for the most part, saved themselves in their garrisons, a shelter with which all the towns now found it necessary to be provided. Captain Pierce, with fifty men and some friendly Indians, while endeavoring to cover the Plymouth towns, fell into an ambush and was cut off. That same day, Marlborough was set on fire; two days after, Rehoboth was burned. The Indians seemed to be every where. Captain Wadsworth, marching to the relief of Sudbury, fell into an ambush, and perished with fifty men. The alarm and terror of the colonists reached again a great height. But affairs were about to take a turn. The resources of the Indians were exhausted; they were now making their last efforts. March 26.
March 28
April 18.

A body of Connecticut volunteers, under Captain Denison, and of Mohegan and other friendly Indians, Pequods and Niantics, swept the entire country of the Naragansets, who suffered, as spring advanced, the last extremities of famine. Canochet, the chief sachem, said to have been a son of Miantonimoh, but probably his nephew, had ventured to his old haunts to procure seed-corn with which to plant the rich intervals on the Connecticut, abandoned by the colonists. Taken prisoner, he conducted himself with all that haughty firmness, esteemed by the Indians the height of magnanimity. Being offered his life on condition of bringing about a peace, he scorned the proposal. His tribe would perish to the last man rather than become servants to the English. March 30
April 5

CHAPTER XIV. When ordered to prepare for death, he replied, "I like it well; I shall die before my heart is soft, or I shall
 1676. have spoken any thing unworthy of myself." Two Indians were appointed to shoot him, and his head was cut off and sent to Hartford.

The colonists had suffered severely. Men, women, and children had perished by the bullets of the Indians, or fled naked through the wintery woods by the light of their blazing houses, leaving their goods and cattle a spoil to the assailants. Several settlements had been destroyed, and many more had been abandoned; but the oldest and wealthiest remained untouched. The Indians, on the other hand, had neither provisions nor ammunition. While attempting to plant corn and catch fish at Montague Falls, on the Connecticut River, they were at-
 May 13. tacked with great slaughter by the garrison of the lower towns, led by Captain Turner, a Boston Baptist, and at first refused a commission on that account, but as danger increased, pressed to accept it. Yet this enterprise
 May 17. was not without its drawbacks. As the troops returned, Captain Turner fell into an ambush and was slain, with thirty-eight men. Hadley was attacked on a lecture
 June 12. day, while the people were at meeting; but the Indians were repulsed by the bravery of Goffe, one of the fugitive regicides, long concealed in that town. Seeing this venerable unknown man come to their rescue, and then suddenly disappear, the inhabitants took him for an angel.

Major Church, at the head of a body of two hundred volunteers, English and Indians, energetically hunted down the hostile bands in Plymouth colony. The interior tribes about Mount Wachusett were invaded and subdued by a force of six hundred men, raised for that purpose. Many fled to the north to find refuge in Canada; guides and leaders, in after years, of those French

and Indian war parties by which the frontiers of New England were so terribly harassed. Just a year after the fast at the commencement of the war, a thanksgiving was observed for success in it.

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1676.
June 29

No longer sheltered by the River Indians, who now began to make their peace, and even attacked by bands of the Mohawks, Philip returned to his own country, about Mount Hope, where he was still faithfully supported by his female confederate and relative, Witamo, squaw-sachem of Pocasset. Punham, also, the Shawomet vassal of Massachusetts, still zealously carried on the war, but was presently killed. Philip was watched and followed by Church, who surprised his camp, killed upward of a hundred of his people, and took prisoners his wife and boy. The disposal of this child was a subject of much deliberation. Several of the elders were urgent for putting him to death. It was finally resolved to send him to Bermuda, to be sold into slavery—a fate to which many other of the Indian captives were subjected. Witamo shared the disasters of Philip. Most of her people were killed or taken. She herself was drowned while crossing a river in her flight; but her body was recovered, and the head, cut off, was stuck upon a pole at Taunton, amid the jeers and scoffs of the colonial soldiers, and the tears and lamentations of the Indian prisoners.

Aug. 1.

Aug. 6

Philip still lurked in the swamps, but was now reduced to extremity. Again attacked by Church, he was killed by one of his own people, a deserter to the colonists. His dead body was beheaded and quartered, the sentence of the English law upon traitors. One of his hands was given to the Indian who had shot him, and on the day appointed for a public thanksgiving his head was carried in triumph to Plymouth.

Aug. 17.

The popular rage against the Indians was excessive.

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Death or slavery was the penalty for all known or suspected to have been concerned in shedding English blood.

1676. Merely having been present at the "Swamp Fight" was adjudged by the authorities of Rhode Island sufficient foundation for sentence of death, and that, too, notwithstanding they had intimated an opinion that the origin of the war would not bear examination. The other captives who fell into the hands of the colonists were distributed among them as ten-year servants. Roger Williams received a boy for his share. Many chiefs were executed at Boston and Plymouth on the charge of rebellion; among others, Captain Tom, chief of the Christian Indians at Natick, and Tisiquin, a noted warrior, reputed to be invulnerable, who had surrendered to Church on an implied promise of safety. A large body of Indians, assembled at Dover to treat of peace, were treacherously made prisoners by Major Waldron, who commanded there. Some two hundred of these Indians, claimed as fugitives from Massachusetts, were sent by water to Boston, where some were hanged, and the rest shipped off to be sold as slaves. Some fishermen of Marblehead having been killed by the Indians at the eastward, the women of that town, as they came out of meeting on a Sunday, fell upon two Indian prisoners who had just been brought in, and murdered them on the spot. The same ferocious spirit of revenge which governed the cotemporaneous conduct of Berkeley in Virginia toward those concerned in Bacon's rebellion, swayed the authorities of New England in their treatment of the conquered Indians. By the end of the year the contest was over in the south, upward of two thousand Indians having been killed or taken. But some time elapsed before a peace could be arranged with the Eastern tribes, whose haunts it was not so easy to reach.

In this short war of hardly a year's duration, the Wampanoags and Narragansets had suffered the fate of the Pequods. The Niantics alone, under the guidance of their aged sachem Ninigret, had escaped destruction. Philip's country was annexed to Plymouth, though sixty years afterward, under a royal order in council, it was transferred to Rhode Island. The Narraganset territory remained as before, under the name of King's Province, a bone of contention between Connecticut, Rhode Island, the Marquis of Hamilton, and the Atherton claimants. The Niantics still retained their ancient seats along the southern shores of Narraganset Bay. Most of the surviving Narragansets, the Nipmucks, and the River Indians, abandoned their country, and migrated to the north and west. Such as remained, along with the Mohegans and other subject tribes, became more than ever abject and subservient.

The work of conversion was now again renewed, and, after such overwhelming proofs of Christian superiority, with somewhat greater success. A second edition of the Indian Old Testament, which seems to have been more in demand than the New, was presently published, revised by Eliot, with the assistance of John Cotton, son of the "great Cotton," and minister of Plymouth. But not an individual exists in our day by whom it can be understood. The fragments of the subject tribes, broken in spirit, lost the savage freedom and rude virtues of their fathers, without acquiring the laborious industry of the whites. Lands were assigned them in various places, which they were prohibited by law from alienating. But this very provision, though humanely intended, operated to perpetuate their indolence and incapacity. Some sought a more congenial occupation in the whale fishery, which presently began to be carried on from the islands

CHAPTER of Nantucket and Martha's Vineyard. Many perished
XIV. by enlisting in the military expeditions undertaken in
1677. future years against Acadie and the West Indies. The
Indians intermarried with the blacks, and thus confirmed
their degradation by associating themselves with another
oppressed and unfortunate race. Gradually they dwindled
away. A few hundred sailors and petty farmers, of mixed
blood, as much African as Indian, are now the sole surviving
representatives of the aboriginal possessors of southern New
England.

On the side of the colonists the contest had also been very disastrous. Twelve or thirteen towns had been entirely ruined, and many others partially destroyed. Six hundred houses had been burned, near a tenth part of all in New England. Twelve captains, and more than six hundred men in the prime of life, had fallen in battle. There was hardly a family not in mourning. The pecuniary losses and expenses of the war were estimated at near a million of dollars. Massachusetts was burdened with a heavy debt. No aid nor relief seems to have come from abroad, except a contribution from Ireland of £500 for the benefit of the sufferers by the war, chiefly collected by the efforts of Nathaniel Mather, lately successor to his brother Samuel as minister of the nonconformist congregation at Dublin. These Dublin ministers, both graduates of Harvard College, were elder brothers of Increase Mather, minister of Boston North Church, already becoming a distinguished person in the colony. The New England colonists even accused their neighbors of Albany of furnishing powder and shot to the Indians; but this charge was indignantly denied by Andros, whom the Duke of York, on recovering his province, had appointed as its governor. Yet his attempt, just at the breaking out of the war, to surprise the fort at Saybrook,

under pretense that the charter of New York extended to the Connecticut, and his shuffling and captious correspondence on the subject of obtaining assistance from the Mohawks, gave reason enough for the Connecticut authorities to regard him with some doubt. CHAPTER
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The war at the eastward still continuing, the project of a Mohawk alliance was revived. Even the Connecticut valley was not secure. Some fugitives, who had taken refuge in Canada, descended along that river, fell upon a party assembled at Hatfield, at a house raising, and carried off twenty prisoners. The husbands of two of the captives proceeded to Canada, guided by a Mohawk Indian, by way of Albany and Lake Champlain—the first recorded journey made in that direction; and, by the friendly intervention of the French governor, succeeded in redeeming the captives. July.
Sept. 19.

In the midst of these domestic disasters, new troubles were preparing in the mother country. A petition from the English merchants had been presented to the Privy Council, complaining of the total disregard of the acts of trade in New England. The Committee for Plantations had suggested, by way of remedy, to establish a royal custom-house at Boston, with officers to look after breaches of the acts of trade. The difficulty was to provide salaries for them. Should Massachusetts decline to receive these officers, it was proposed to refuse Mediterranean passes to her ships, thus exposing them to capture by the Barbary pirates; also to cut off her trade with the southern colonies, and to authorize such of the king's frigates as might visit the American coast to seize offenders and send them to England for trial—expedients indicative enough of the weakness and poverty of the king's government. 1675.

Association of breaches of the acts of trade, with resistance to prerogative, tended to strengthen the hands

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1676. of the king, who might now expect, in the controversy with Massachusetts, support from the English mercantile interest. The Massachusetts theocracy gained also new hold on the affections of the colonists as advocates of colonial free trade, and new support from pecuniary as well as spiritual considerations.

June. Mason and Gorges had continued to urge in England their respective claims to New Hampshire and Maine ; and, in the midst of the Indian war, Randolph, a kinsman of Mason, and henceforward, by his zeal and pertinacity, the terror and abhorrence of Massachusetts, arrived at Boston with notice from the Privy Council that unless, within six months, agents were sent to defend the right of Massachusetts to those provinces, judgment by default would be given for the claimants. Thus pushed,

Sept. the General Court, after consulting the elders, commissioned Bulkley and Stoughton as agents ; but their powers were very carefully circumscribed. Bulkley, son of the first minister of Concord, was speaker of the House, and subsequently a magistrate. The father of Stoughton, commander of the Massachusetts troops in the Pequod war, had afterward been a lieutenant colonel in the Parliamentary army. Stoughton himself, after graduating at Harvard College, studied divinity, and obtained, by his father's interest, an Oxford fellowship, from which he had been ejected at the Restoration. He inherited, however, a handsome estate, and, returning to New England, was presently chosen a magistrate, and now agent.

1677. After hearing the parties, the Privy Council decided, in accordance with the opinion of the two chief justices, that the Massachusetts patent did not include any territory more than three miles distant from the left, or northern bank of the Merrimac. This construction, which set aside the pretensions of Massachusetts to the province of

Maine, as well as to that part of New Hampshire east of the Merrimac, appeared so plain to the English lawyers that the agents hardly attempted a defense. 1677. CHAPTER
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The king had intended to purchase Maine as an appanage for the Duke of Monmouth, his illegitimate son. But Massachusetts was beforehand with him; and, through the agency of Usher, a wealthy Boston merchant, Gorges was induced, for the sum of £1200, to sell out all his rights as proprietary, thus confirming the jurisdiction of Massachusetts, and giving her a title to the ungranted soil. May 6.

It is worthy of notice, as throwing some light on the habits of the colonists, at least a part of them, that this Usher, the richest merchant in Boston, had acquired his fortune in the bookselling business. A London stationer, who presently visited Boston with a venture of books, "most of them practical," and so "well suited to the genius of New England," found no less than four booksellers established in that town.

The province of Maine, as purchased by Massachusetts, was bounded by the Kennebec. Sagadahoc, the territory, that is, from the Kennebec to the Penobscot, was claimed as forming a part of New York. Jurisdiction over its few scattered hamlets had lately been assumed on behalf of the duke by Andros, governor of that province, who built a fort at Pemaquid, and terminated the Indian war in that quarter by agreeing to pay the Indians a tribute, or quit-rent, of a peck of corn for each English family. A treaty with these tribes, concluded about the same time by the Massachusetts authorities at Casco, gave peace to the eastern coasts; not, however, till the settlements of Maine had lost at least half of their inhabitants—a bitter foretaste of wars to come. 1678. April 12.

The country east of the Penobscot, though included

CHAPTER as far as the St. Croix in the Duke of York's charter,
 XIV. was claimed by the French as a part of Acadie. Baron
 1677. St. Castin, a man of intrigue and enterprise, who had
 borne a commission as captain in the regiment of Carignan, sent to Canada, established himself on the west shore of the Penobscot, on the spot which still bears his name. He succeeded to that Indian trade formerly carried on from the same spot by D'Aulney; and, having taken several Indian wives, daughters of the chiefs, he acquired a great influence among the Indians of the vicinity. St. Castin and other French traders furnished the Eastern Indians with arms and ammunition. The French missionaries converted them to the Catholic faith. Both were believed to exercise an influence unfavorable to the English.

The jealousy of the English merchants once excited, they soon renewed their complaints of the disregard by Massachusetts of the acts of trade. The Committee for Plantations, to whom these complaints were referred, suggested, as the only effectual remedy, "a governor wholly to be supported by his majesty." Randolph, who had carried back to England very exaggerated accounts of the wealth and population of Massachusetts, soon returned to Boston, authorized to administer to the New England governors an oath to enforce the acts of trade. Leverett, on the ground that no such oath was required by the charter, refused to take it. The General
 Oct. Court, however, enacted a law of their own for enforcing the navigation acts. They re-enacted, also, the original oath of fidelity, by which allegiance was sworn to the king as well as the colony. They voted a present to the king of cranberries, "special good samp" and codfish, and sent an humble petition, with another also from the New Hampshire towns, that they might be allowed to retain jurisdiction as far as the Piscataqua.

The Baptist Church in Boston, after meeting for fourteen years in private houses, part of the time with much secrecy, had caused a building to be erected for a meeting house. As soon as the purpose of this building became known, a law was enacted forbidding the erection of any meeting house except with the consent of the freemen of the town and the County Court, or by approbation, on appeal, of the General Court; and subjecting any buildings erected contrary to the act, and the land on which they stood, to forfeiture.

CHAPTER
XIV.1678.
May 1.

The oath of allegiance, by which the king and the colony were put upon a level, did not give satisfaction in England. Randolph presently reappeared with an oath drawn out in form. The magistrates took it themselves, and imposed it on all other officers. Letters, meanwhile, had arrived from the agents, with accounts of new complaints against the colony; objections to their laws, as contradicting those of England; their imposition of duties on imports from England; their neglect of the acts of trade; shelter to the regicides; execution of Quakers; coining money not in the king's image; and use of the word "commonwealth" in their laws. To these objections the court replied, defending some points, apologizing for others; excusing themselves for their neglect of the acts of navigation on the ground that, not being represented in Parliament, they had not supposed themselves bound by those acts. Though "a great discouragement to trade," they promised, however, to submit to them—to any thing, indeed, short of compromising the "interest of the Lord Jesus and his churches situate in this wilderness." On that point they would yield nothing.

Oct.

Leverett presently died in office. The choice of Bradstreet to fill his place was an evidence of the progress of the moderate party.

1679.
May.

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1680. A synod was presently called to inquire "what reasons had provoked the Lord to bring his judgments on New England." This synod, of which Increase Mather drew up the result, denounced a list of sins nearly identical with those to which the General Court had ascribed the late Indian war. The confession of faith and system of discipline were revised and confirmed. Reformation was earnestly recommended, and a return to the piety and austerity of former times.

Feb. The agents soon returned with a royal letter demanding toleration for all sects except papists; the choice of the full number of eighteen assistants; the issue of all commissions, military and civil, in the king's name; the repeal of all laws repugnant to the acts of trade; the assignment of Maine to the king, on receiving the amount paid for it; what was most unpalatable of all, the surrender of the peculiar privileges of church members, by establishing a pecuniary qualification as the sole one for admission to the freedom of the colony. New agents were to be appointed within six months, with full power to make the concessions demanded. Stoughton had been a great stickler for theocracy, as evinced by his election sermon in 1668. He was still much inclined that way. But, looking to the future, and seeing power about to pass into other hands, he was disposed also "to stand right to his majesty's interest."

July. The returning agents were quickly followed by the busy Randolph, who came out with a commission as collector of the royal customs for New England, and inspector for enforcing the acts of trade—an office to which he had been appointed some time before, but the commission for which had been hitherto kept back, because there appeared no source, except the empty royal exchequer, out of which to pay his salary.

Randolph presented his commission to the Massachusetts court, but they took no notice of it. He pressed them to say if they allowed it to be valid, but they made no answer. The notice of his appointment, posted up at the public exchange, was torn down by order of the magistrates; and the General Court presently erected a naval office of their own, at which all vessels were required to enter and clear, as Randolph alleged, for the very purpose of superseding his authority. 1680.

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Encouraged by the king's demand for toleration, construed as superseding the "by-laws" of the colony, the Baptists ventured to hold a service in their new meeting house. For this they were summoned before the magistrates, and, when they refused to desist, the doors were nailed up, and the following order posted upon them: "All persons are to take notice, that, by order of the court, the doors of this house are shut up, and that they are inhibited to hold any meeting therein, or to open the doors thereof, without license from authority, till the General Court take further order, as they will answer the contrary at their peril." When the General Court met, the Baptists pleaded that their house was built before any law was made to prevent it. This plea was so far allowed that their past offenses were forgiven. But they were not allowed to open the house. March. May 19.

It had been strongly intimated in the result of the late synod that the Baptists were guilty "of setting up an altar against the Lord's altar." Increase Mather, in his "Divine Right of Infant Baptism," now published, charged them, also, with "the sin of Jeroboam, who made priests out of the lowest of the people." To a vindication by Elder Russell of himself and his brethren, containing an account of the late proceedings, sent to London and printed there, Willard, minister of the South

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Church, replied the next year in a pamphlet, to which Mather wrote a preface, and which fully came up to the 1680. tone of the motto, "*Ne sutor ultra crepidam*"—"Let the shoemaker stick to his last"—an insolent allusion to the former occupation of Russell.

A curious offshoot from the Baptist sect had lately sprung up in Connecticut, called *Rogerenes*, after Jonathan Rogers, of New London, their founder. Their most distinguishing tenet was the observance of the seventh day (Saturday) as the Sabbath, and their violent denunciation of Sunday as the "idol-Sabbath." They made it a point to work on that day, and then to complain of themselves. They also held to "spiritual marriages." The use of medicines they denounced as a sinful attempt to thwart God's providence, and family prayers, and saying grace at meals as mere formalities, for which there 1677. was no Scripture warrant. To a remonstrance from the Baptists of Rhode Island against the fining and imprisoning of some of these enthusiasts, Governor Leet replied that they had been treated with "all condescension imaginable," and might be freely indulged in "their persuasions" if they would but forbear to offend the "consciences" of others by insisting upon too open an avowal of their opinions.

As Mason had no charter of New Hampshire, but only a grant under the great patent of New England, he had no claims to jurisdiction; and, according to the forms of the English law, even his title to the soil, as against the occupiers, could only be tried on the spot. To facilitate these trials, and to give them a turn as favorable as might be to Mason, the jurisdiction of New Hampshire had been assumed by the king; and Randolph had brought out with him a royal commission for setting up a government. To reconcile the people to the

change, a president and counselors were selected from among them, the president being John Cutts, a principal inhabitant of Portsmouth. An Assembly was also con- ceded, "so long as the king might find it convenient." This Assembly, at its first session, opened with prayers and a sermon by Moody, minister of Portsmouth, gratefully acknowledged the past care and kindness of Massachusetts. They enacted, also, a body of laws, compiled from the Massachusetts code; but these were rejected in England as "fanatical and absurd."

Mason presently visited the province, and, under a royal appointment, took a seat in the council. Little satisfied with Cutts, he procured the appointment of governor for Cranfield, an official from London, who to have for salary a fifth part of all quit-rents recovered of the settlers, and to whom Mason guaranteed, by a mortgage on the province, the annual payment of £150. Mason put in a claim to all that part of Massachusetts north of Salem, as included in his grandfather's old grant of Mariana, and hence a new subject of alarm in Massachusetts.

While New Hampshire thus finally passed from their control, the General Court of Massachusetts proceeded to establish over Maine a proprietary government on the basis of Gorges's charter. Deputy-governor Danforth was appointed president of this resuscitated province, with a council named by the General Court of Massachusetts. The inhabitants were allowed the privilege, according to the terms of Gorges's charter, of choosing deputies from the towns, who formed, along with the president and council, a provincial assembly. But those to whom even full citizenship of Massachusetts had not been satisfactory, were still less pleased with this dependent position. Danforth proceeded to Maine with a body of horse

CHAPTER and foot, and some show, if not exercise of force, became
XIV. necessary to support the new government.

1680. - Randolph made a vigorous attempt at Boston to ex-
Sept. ercise his office by seizing vessels for violation of the
acts of trade. But the whole population was against
him; he was overwhelmed with law-suits for damages,
and in almost every case was cast with costs. Having
1681. appealed in vain to the General Court, he noted and
April. posted on the Exchange a protest against what he called
“a faction” in that body, meaning thereby the ultra
theocratic party. The deputy whom he had appointed
at Portsmouth encountered the same sort of obstructions.
Gookin, on Denison’s death elected major general of the
colony, and the last who held that office, was specified by
Randolph as among the most vigorous of his opponents.

- Finding himself involved in law-suits and perplexities,
and alleging that he was even in danger of being tried
for his life under the old law against subverters of the
colonial Constitution, Randolph obtained leave to go to
1682 England; whence, however, he speedily came back, with
Feb. a royal letter complaining of these obstructions, and de-
manding the immediate appointment of agents empow-
ered to consent to a modification of the charter.

Disobedience was no longer safe. Affairs in England
had undergone a great change. After a fierce struggle,
which had long engaged the attention of the king and
his cabinet, and which may partly serve to account for
the feeble and vacillating policy hitherto pursued toward
Massachusetts, the court party, or Tories, as they be-
gan to be called, the High Churchmen, the advocates of
divine right and arbitrary power, had completely tri-
umphed. The king already threatened with writs of *Quo*
Warranto the English cities and boroughs, the strong-
holds of his opponents. In this emergency Stoughton

was again appointed agent, and with him Joseph Dudley, son of the former governor, a young man of thirty-five, who now began to come conspicuously forward. Stoughton having declined the thankless task, his place was supplied by Richards, a strong advocate for the theocracy, who had raised himself from an indented servant to be a wealthy merchant, and who had lately been appointed one of the assistants. Dudley, as Randolph wrote, "had his fortune to make in the world, and if he find things resolutely managed, will cringe and bow to any thing." "If, upon alteration of the government, he were made captain of the castle of Boston and the forts in the colony, his majesty," it was suggested, "will gain a popular man and oblige the better party."

Randolph's commission was ordered to be enrolled. The court, by a new act, charged their newly-appointed naval officer to look strictly after the enforcement of the acts of trade. The penalty of death for plotting the overthrow of the colonial Constitution was repealed. For the word "Commonwealth" throughout the laws, "jurisdiction" was substituted. The agents were merely authorized to lay these concessions before the king, which it was humbly hoped would satisfy his majesty.

On the appearance of these agents at court with powers so restricted, a *Quo Warranto* was threatened forthwith unless they were furnished with ampler authority. Informed of this threat, the General Court, after great debates, authorized their agents to consent to the regulation of any thing wherein the government "might ignorantly or through mistake have deviated from the charter;" to accept, indeed, any demands consistent with the charter, the existing government established under it, and the "main ends of our predecessors in coming hither," which main ends were defined to be "our liberties and

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1682.

July.

1683.

March

CHAPTER privileges in matters of religion and worship of God,
 XIV. which you are, therefore, in no wise to consent to any in-
 1683. fringement of." They were authorized to give up Maine

to the king, and even to tender him a private gratuity of two thousand guineas. Bribes were quite the fashion at Charles's court; the king and all his servants were accustomed to take them. The Massachusetts agents had expended considerable sums to purchase favor or to obtain information, and, by having clerks of the Privy Council in their pay, they were kept well informed of the secret deliberations of that body. But this offer, unskillfully managed, and betrayed by Cranfield, the lately appointed royal governor of New Hampshire, who had advised the magistrates to make it, exposed the colony to blame and ridicule.

Nothing further could now be done. The agents returned home. Randolph filed articles of high misdemeanor. A writ of *Quo Warranto* issued, and that indefatigable enemy again crossed the ocean in a royal
 Nov. frigate, and himself served the writ on the magistrates.

If the charter were surrendered without the delays and formality of a trial, the king promised to be gracious, and to make as few innovations as possible. The English cities, except London, had agreed to surrender their charters, and London, after an unavailing resistance, had lost hers by a judgment of court. What should Massachusetts do?

The popular party in England had just been crushed a second time by the execution of Russell and Sidney. Bradstreet and the moderate party were inclined to bend to the storm, and to authorize the agents to receive the king's commands. The magistrates passed a vote to that effect. But all the zeal and obstinacy of the theocratic party had been roused by the present crisis—a zeal resulting, as hot zeal often does, in the ultimate loss of

what it was so anxious to save. It was argued that submission would be a sin against God; and, with much plausibility, that nothing could be gained by it. Increase Mather spoke to that effect in a Boston town meeting held to consider the subject. After a fortnight's debate, the deputies refused to concur. They voted, instead, an address to the king, praying forbearance; but they authorized Robert Humphreys, a London attorney, and the legal adviser of the agents, to enter an appearance, and to retain counsel, requesting him "to leave no stone unturned that may be of service either in the case itself, or the spinning out the time as much as possibly may be." No less than three successive letters were written to Humphreys; money was remitted; it was recommended that the counsel he might retain should consult "my Lord Coke, in his fourth part, about the Isle of Man and Guernsey." But all hopes of defense were futile. Before these letters arrived in London a default had already been recorded. That default could not be got off, and judgment was entered up the next year, pronouncing the charter void.

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1683.

1684.
Nov.

Meanwhile, New Hampshire was in a very unquiet state. Finding the Assembly unmanageable, Cranfield dissolved it, whereupon an insurrection followed. Gove, the leader, was arrested, tried, found guilty, and sent to England, but was there pardoned. Juries, selected "with some art" by a sheriff of the governor's appointment, returned verdicts in Mason's favor in actions of ejection brought to establish his title. But to get possession under these verdicts was quite another matter. The sheriff and his officers were resisted and mobbed, beaten with clubs by the men, and attacked with spits and hot water by the women. Cranfield at first had courted the ministers, but, not finding so much countenance from them

1682.

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as he had hoped, he had the imprudence to plunge into a religious quarrel also. Pretending that the English ecclesiastical law was in force in the province, he forbade the church at Portsmouth to exercise discipline over an offending brother whom he had taken under his protection. He claimed, also, for himself and all others of "decent life and conversation," admission to the Lord's Supper, which he required Moody, minister of Portsmouth, to administer to him according to the Liturgy. Upon Moody's refusal, he was tried, deprived of his office, and imprisoned—conduct which made Cranfield still more obnoxious. Discharged at length under a strict injunction to preach no more in the province, Moody came to Boston, and was rewarded for his firmness by being chosen assistant minister of the First Church. Between "factious preachers" and obstinate tenants, Cranfield feared, or pretended to fear, for his life. He retired to Boston, and the people of New Hampshire sent agents to England to complain of his conduct. Wearing out with the unsuccessful struggle, he presently solicited a recall, in order, as he alleged, "that the world might see that it was not him, but the royal commission they caviled at, and that his real offense was his attempt to put the king's commands in execution." Some of the charges against him being sustained, he departed for the West Indies, where he obtained the post of collector of Barbadoes.

1685. The government was left in the hands of Deputy-governor Barefoote, for twenty-five years a resident in the province. He complained, like his predecessor, of "factious preachers," and a "malignant party directed by the Massachusetts," and declared that "without some force to keep these people under," it would be a difficult if not impossible thing "to put in execution his majesty's orders or the laws of trade."

CHAPTER XV.

VIRGINIA AND MARYLAND UNDER CHARLES II. AND
JAMES II.

DURING the continuance of the English Commonwealth, Virginia had enjoyed a very popular form of government. All tax-payers had the right to vote for burgesses. The Assembly, subject to frequent renewals, had assumed the right of electing the governor, counselors, and other principal officers; and, except a general conformity to the policy of the mother country, local affairs appear to have been managed with very little of external control. CHAPTER
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Great changes in these respects were now to happen. During the quarter of a century which followed the Restoration, a considerable part of the freemen of Virginia were deprived of the elective franchise—an invaluable privilege, not recovered till the middle of the current century. The Assembly's authority was also greatly curtailed; while a corresponding increase took place in the power and prerogatives of the governor and the counselors. These changes were occasioned, in part, by external pressure, but they sprung also, to a considerable extent, from internal causes, existing in the social organization of the colony.

The founders of Virginia, like those of New England, had brought with them from the mother country strong aristocratic prejudices and a marked distinction of ranks. Both in Virginia and New England the difference between "gentlemen" and "those of the common sort"

CHAPTER XV. was very palpable. Indented servants formed a still inferior class; not to mention negro and Indian slaves, of 1660. whom, however, for a long period, after the planting of Virginia, the number was almost as inconsiderable in that colony as it always remained in New England.

But though starting, in these respects, from a common basis, the operation of different causes early produced different effects, resulting in a marked difference of local character. The want in New England of any staple product upon which hired or purchased labor could be profitably employed, discouraged immigration and the importation of indented servants or slaves. Hence the population soon became, in a great measure, home-born and home-bred.

The lands were granted by townships to companies who intended to settle together. The settlements were required to be made in villages, and every village had its meeting house, its schools, its military company, its municipal organization. In Virginia, on the other hand, plantations were isolated; each man settled where he found a convenient unoccupied spot. The parish churches, the county courts, the election of burgesses, brought the people together, and kept up something of adult education. But the parishes were very extensive; there were no schools; and parochial and political rights were soon greatly curtailed.

Even the theocratic form of government prevailing in New England tended to diminish the influence of wealth, by introducing a different basis of distinction; and still more so that activity of mind, the consequence of strong religious excitement, developing constantly new views of religion and politics, which an arrogant and supercilious theocracy strove in vain to suppress. Hence, in New England, a constant tendency toward social equality. In

Virginia and Maryland, on the other hand, the management of provincial and local affairs fell more and more under the control of a few wealthy men, possessed of large tracts of land, which they cultivated by the labor partly of slaves, but principally of indented white servants.

CHAPTER
XV.

1660.

Indented service existed, indeed, in all the American colonies; but the cultivation of tobacco created a special demand for it in Virginia and Maryland. A regular trade was early established in the transport of persons, who, for the sake of a passage to America, suffered themselves to be sold by the master of the vessel to serve for a term of years after their arrival. But the embarkation of these indented servants was not always voluntary. Sometimes they were entrapped by infamous arts, sometimes even kidnapped, and sometimes sentenced to transportation for political and other offenses. We have already had occasion to mention the exportation of felons to Virginia, known among the colonists as "jail-birds." In the same way Cromwell disposed of many of his English, Scotch, and Irish prisoners of war, a few of whom were also sent to New England. On the expiration of their term of servitude, limited to four, five, or, more commonly, to seven years, these servants acquired all the rights of freemen, and, in Virginia, a claim, also, to the fifty acres of land to which all immigrants were entitled. But the lands most favorably situated were already taken up, and held in large tracts by the more wealthy planters. It was only on the outskirts of the cultivated country that these new freemen could locate their grants.

The rivers which intersected Lower Virginia, dividing the colony into a series of "necks," as they were called, served an excellent purpose for intercommunication. There was not a plantation at any great distance from tide-water. Vessels, ascending the rivers, landed goods and

CHAPTER took tobacco on board at the very doors of the planters.
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1660. But even this facility was not without its disadvantages. It prevented the concentration of trade at particular spots, and long opposed an insuperable obstacle to the formation of towns—a want sensibly felt, and vainly attempted, as we shall see, to be supplied by legislation.

The cultivation of tobacco, at the low prices to which it had sunk, afforded only a scanty resource to that great body of free planters obliged to rely on their own labor. Yet all schemes for the introduction of other staples had failed. The domestic manufacture of cloths, successfully introduced into New England, seems to have been almost unknown in Virginia. Nor were there any mechanical employments except of the rudest and most indispensable sorts. All kinds of manufactured goods were imported from England; but neither in this importation, nor in the exportation of their own produce, did the Virginians themselves take any part. The maritime character of New England was already well established. The fisheries and foreign trade formed an important part of her industry. Her ships might be seen on the Grand Bank, in the West Indies, in the ports of Britain, Spain, and Portugal, on the coast of Africa, in the Chesapeake itself; while hardly one or two small vessels were owned in Virginia, and that notwithstanding the efforts of the Assembly to encourage ship-building and navigation, for which the province afforded such abundant facilities.

Competition between Dutch and English trading vessels had assisted hitherto to keep up the price of tobacco, and to secure a supply of imported goods at reasonable rates. But that competition was now to cease. The English commercial interest had obtained from the Convention Parliament, which welcomed back Charles II. to

the English throne, that famous navigation act, which, among other provisions for the special benefit of English shipping, substantially excluded foreign vessels from the English colonies. The Anglo-American colonists were also required to ship exclusively to England all their most valuable staples, designated by name, and thence known as "enumerated articles," of which tobacco was one of the chief. The Virginians, alarmed at an act which threatened to place them at the mercy of the English traders, sent Governor Berkeley to England, at an expense to the colony of two hundred thousand pounds of tobacco, to remonstrate on their behalf. Berkeley failed in this public mission; but he improved the opportunity to secure for himself a share in the new province of Carolina, now erected by charter, and of which he became one of the eight proprietors. So far, indeed, from relaxing the restrictions complained of, the new Parliament passed a further act, by which the colonists were restricted to England for their supply of European commodities, being no longer allowed to import them direct from the countries where they were produced. Thus was the English merchant enabled to charge a double profit on the intercourse between Europe and the colonies, and the mother country, also, to impose a tax upon it, by means of duties levied upon all "enumerated articles" imported into England.

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1661.

March.

1663.

At the same session at which Berkeley was sent to England, Clayborne was ordered by the Virginia Assembly to deliver up the colony records to Thomas Ludwell, appointed secretary by royal commission.

Under the administration of Colonel Francis Moryson, captain of the fort at Point Comfort, a Royalist immigrant of 1649, appointed by the council to act as governor during Berkeley's mission to England, a third revision was

March.

CHAPTER made of the Virginia statutes. The preamble declares
 XV. them to be "but as brief memorials, for convenience'
 1662. sake, of those excellent and often-refined laws of En-
 gland, to which we profess and acknowledge all due obe-
 dience and reverence," "sometimes, perhaps, from the
 difference of our and their condition, varying in small
 things, but far from the presumption of contradicting any
 thing therein contained." Compiled under an order of
 the previous Assembly by the joint skill of Moryson and
 Henry Randolph, the clerk, for which service they receiv-
 ed fifteen thousand pounds of tobacco, this code was sent
 to England to be printed, under an exclusive privilege
 of printing granted to Randolph, and his heirs and as-
 signs, for the ten years ensuing.

The Church of England is re-established by this code, with the canons, the Liturgy, and the church catechism. The anniversary of the execution of Charles I. is made a fast, and of the restoration of Charles II. a holiday. Besides their glebes and parsonages, a maintenance is secured to the parish ministers in "valuable and current commodities of the country," to the annual amount each of not less than fourscore pounds, about \$320. There were also fees and perquisites; for a funeral sermon, four hundred pounds of tobacco; for a marriage by license, two hundred pounds of tobacco, or fifty pounds when the bans are proclaimed. Philip Mallory, "eminently faithful in the ministry," had been sent already "to solicit church affairs in England," on a salary of eleven thousand pounds of tobacco. Nonconformist preachers are to be silenced and sent out of the country. The Quaker and Anabaptist heresies had spread into Virginia. Two years before, the Assembly had charged against the Quakers that, "contrary to the law, they do daily gather together unto them unlawful assemblies and congrega-

tions of people, teaching and publishing lies, miracles, false visions, prophecies, and doctrines, endeavoring and attempting thereby to destroy religious laws, communities, and all bond of civil society." By the same assembly, shipmasters bringing Quakers into the colony were subjected to a penalty of £100. The Quakers themselves were to be imprisoned without trial till they gave security to leave the colony and not to return. Such as did return were to be proceeded against as contemners of the laws, and if they returned a second time, as felons. No person, under penalty of £100, was to entertain a Quaker, or to permit any Quaker assembly in or near his house; nor was any person, at his peril, to distribute or purchase Quaker books. These harsh provisions, apparently copied from the legislation of New England, are not embodied in the present code. Penalties, however, are imposed upon Quakers and all others who refuse to attend the parish churches.

The management of parish affairs is intrusted to a vestry of twelve persons, to be chosen, in the first place, by the parishioners; all vacancies to be filled by the vote of the minister and the remaining members. These vestries, thus converted into close corporations, independent of the parishioners, had the appointment of churchwardens from among themselves, and the right to levy taxes for parochial purposes. The project of a college, again revived, resulted in nothing. The counties are limited to two burgesses each, reserving, however, to James City, "the metropolis," the right to have a bur-gess of its own; the same privilege to be extended to every town of a hundred acres in extent settled by a hundred tithable persons.

The late quarter courts, held by the governor and council, now reduced to three annually, receive the n

CHAPTER of General Courts. Subsequently their sessions became
 XV. semi-annual. Commissioners for county courts, equiv-
 1662. alent to justices of the peace, are limited to eight for
 each county, to be appointed by the governor. The
 county courts had the appointment of surveyors of high-
 ways, the levy of county rates, and the enactment of
 county by-laws. Thus was the management of county
 as well as of parish affairs taken from the body of the
 inhabitants, and vested in a few wealthy planters, who
 held their appointments for life, or at the pleasure of the
 governor. Trial by jury is established in all cases, and
 grand juries are now first introduced. There are to be
 provided by each county a prison, pillory, pair of stocks,
 whipping-post, and ducking-stool. Forms of proceeding
 are prescribed for the courts. No person is to be prosecuted
 on claims from England, except security for costs
 be first given. The prohibition of mercenary attorneys
 seems now to have been finally abandoned; but "avaricious
 and griping practitioners in physic and chirurgery"
 were still objects of legislation, and the courts are authorized
 to examine them under oath, and to cut down their bills.

The two shilling duty per hogshead on exported tobacco, besides threepence fort money, is confirmed and continued. Out of it the governor was to receive annually £1000, \$4000, a permanent salary quite sufficient to render him independent. The Assembly, however, increased it by an additional £200, voted from year to year out of the colony levy. In aid of that levy, and to discourage the "excessive abuse of rum," duties were imposed of sixpence a gallon on rum, and a penny a pound on sugar imported; but, on account of the difficulty of collection, and the obstruction to trade, these duties were soon repealed. None could retail strong drinks

without a license, at rates to be fixed by the county commissioners. CHAPTER
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The hope of introducing new branches of industry was not yet abandoned. To encourage Colonel Scarborough's salt works in Northampton, the importation of salt into that county is prohibited. The planting of mulberry trees was still enforced, and premiums are offered for silk, for ships built, and for woolen and linen cloth made in the colony. Two acres of corn or pulse, or one acre of wheat, were to be cultivated for every tithable. A tan-house, with curriers and shoe-makers attached, was to be established at the public expense in each county; hides received at a fixed price, to be manufactured into shoes, and sold at rates prescribed in the statute. It does not appear what success attended this curious scheme for introducing a kind of manufacture already "naturalized," and successfully carried on, as we have seen, in New England. Spanish pieces of eight—that is, dollars—are declared current at the rate of five shillings, and the exportation of money in sums above forty shillings is prohibited. The exportation of mares and sheep is also forbidden. Masters of vessels transporting any person out of the colony without a pass, are liable for his debts. 1662.

The provisions of this code respecting the Indians are conceived in a more humane and candid spirit than any previous enactments on the same subject. The mutual discontents, complaints, jealousies, and fears of the colonists and the Indians are declared to proceed chiefly from the violent intrusion of divers English upon Indian lands, the Indians being provoked to revenge themselves by killing the cattle and hogs of the colonists; whence arise reports and rumors of hostile intentions. The law prohibiting the transfer of Indian lands except at quarter

CHAPTER courts had failed of its purpose. It was easy to fright-
 XV. en the Indians into an acknowledgment of sales they had

1662. never made, or to cheat them by false interpreters. All future purchases from Indians were accordingly declared void, and all persons encroaching upon Indian lands were to be removed. Indians might be licensed by two justices to fish and collect oysters and wild fruits within the English bounds, but those so licensed were to have certain badges, by which they might be identified if they did mischief. None were to trade with the Indians without license from the governor. No Indians entertained as servants were to be sold into slavery, or for a longer period than English indented servants of a like age. Several persons, apparently of wealth and consideration, were heavily fined by the Assembly for wrongs done to the Indians and intrusions upon them. By subsequent acts, shortly after, if a white man were murdered, the
1663. inhabitants of the nearest Indian town were to be held
1665. responsible. The appointment of their own chiefs was taken from the Indians and conferred upon the governor, and any refusing to obey the chiefs thus appointed were to be treated as enemies and rebels. There exists, also,
1660. an order of a little earlier date, authorizing the seizure and sale "into a foreign country" of so many Indians of a certain tribe as might be necessary to produce compensation for damages with which they were charged, provided they refused satisfaction otherwise.

A curious instance of collision with Massachusetts was brought, at this same session, to the Assembly's no-

1661. tice. The indented servant of William Drummond, an inhabitant of Virginia, had been discharged from his master's service by "the court of Boston, in New England," without any sufficient reason, it was thought, though probably on the authority of Deuteronomy, chap.

xxiii., ver. 15: "Thou shalt not deliver unto his mas- CHAPTER
ter the servant which is escaped from his master unto XV.
thee." The governor and council had written to Boston 1662.
about it, but had received no satisfactory answer. In
this state of the case, the Assembly ordered, "as the
least of ill expedients," for the master's indemnification,
that the value of £40 should be seized out of the prop-
erty of some citizens of Massachusetts then within the
jurisdiction of Virginia.

Upon the restoration of the proprietary authority in 1660.
Maryland, the old system of religious toleration had been
re-established; but it did not avail the Quakers. Preach-
ers of that sect were ordered to be apprehended and whip-
ped, not, indeed, as heretics, but as "vagabonds, who
dissuade thè people from complying with military disci-
pline, from holding offices, giving testimony, and serving
as jurors."

A mint was now set up in Maryland, which contin-
ued in operation for the next thirty years. A tonnage
duty, for the sole benefit of the proprietary, was also
imposed upon all vessels arriving in the colony—a per-
petual item henceforward of proprietary revenue.

Charles Calvert, then a very young man, son and
heir-apparent of the proprietary, soon arrived in Mary- 1662.
land with a commission as governor.

Berkeley returned about the same time; and the
Virginia Assembly, at a session held shortly after, in Dec.
compliance with suggestions which he had brought out
from England, passed an act for converting Jamestown,
which still remained a paltry hamlet, into a city of
thirty-two brick houses. Each of the seventeen coun-
ties was required to build one house, for which laborers
might be impressed at certain fixed rates. For the en-
couragement of private persons to undertake the others,

CHAPTER they were to receive from the public for every house
 XV. built a reward of ten thousand pounds of tobacco, with
 1662. exclusive rights to build stores, and lots to build them
 on. To meet the expenses of this scheme, a general
 poll tax of thirty pounds of tobacco was imposed. All
 persons settling in the town were to be privileged from
 arrest for two years; and all tobacco made in the three
 neighboring counties was to be brought to Jamestown,
 and stored there for shipment. It was designed to es-
 tablish, by a similar process, other towns on the York
 River, the Rappahannoc, the Potomac, and the eastern
 shore.

At this same session an act was passed, the first stat-
 ute of Virginia which attempts to give a legislative ba-
 sis to the system of hereditary servitude. The right
 to hold heathen Africans and their posterity as slaves
 would seem to have been thought so fully sanctioned by
 the English law as to require no special colonial legis-
 lation. But mulatto children had been born in the col-
 ony. Their parentage, on one side or the other, must
 be Christian. What should be their condition? The
 English courts had held, in relation to serfdom, that the
 condition of the child must be determined by that of the
 father; and that all children not born in lawful wedlock
 must be esteemed free, as having no legal fathers—doc-
 trines which had gone far to bring serfdom to an end.
 By a very questionable exercise of authority, hardly to
 be reconciled with their late professions of reverence for
 the law of England, the Virginia Assembly saw fit to
 adopt the rule of the civil law, so much more convenient
 for slaveholders, by enacting that children should be
 held bond or free, "according to the condition of the
 mother."

1663. The subject of slavery attracted, also, the attention

of the Maryland Legislature. It was provided, by the first section of an act now passed, that "all negroes and other slaves within this province, and all negroes and other slaves to be hereafter imported into this province, shall serve during life; and all children born of any negro or other slave, shall be slaves, as their *fathers* were, for the term of their lives." The second section recites that "divers free-born English women, forgetful of their free condition, and to the disgrace of our nation, do intermarry with negro slaves;" and for deterring from such "shameful matches," it enacts that, during their husbands' lives, white women so intermarrying shall be servants to the masters of their husbands, and that the issue of such marriages shall be slaves for life.

Shortly after Berkeley's return, a conspiracy among some indented servants—betrayed, however, by one of the conspirators in season to prevent mischief—occasioned a great alarm in Virginia. A guard was appointed for the governor and council; and the Assembly voted to observe the 13th of September, "the day this villainous plot should have been put in execution," as a perpetual holiday, in memory of the escape of the colony.

The severe persecuting laws against the Quakers, left out of the new code, were now again re-enacted. By an act of the previous session, all who refused, "out of averseness to the orthodox established religion, or the new-fangled conceits of their own heretical inventions," to have their children baptized by "the lawful minister," had been subjected to a fine of two thousand pounds of tobacco. One of the burgesses, accused of Anabaptist and Quaker opinions, was expelled the house. This religious persecution seems to have occasioned an emigration to the banks of the Chowan, where a few noncon-

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CHAPTER formist settlers from Virginia, founders of North Caro-
 XV. lina, had already established themselves.

1663. Another curious old law, originally passed during Berkeley's former administration, was now re-enacted: "Whereas it is frequent with divers inhabitants of this country to entertain strangers, with their horses, without making any agreement with the party what he shall pay for his accommodations, which, if the party live, causeth many litigious suits, and, if the stranger die, lays a gap open to many avaricious persons to ruin the estate of the person deceased—for remedy for the future, be it enacted, that no person not making a positive agreement with any one he shall entertain into his house for diet or storage, shall recover any thing against any one so entertained, or against his estate, but that every one shall be reputed to entertain those of courtesy with whom they make not a certain agreement."

To raise the price of tobacco by some legislative interference had long been a favorite theory in Virginia. The means proposed was a "stint" or "cessation," an omission, that is, to plant for a year or more. But, to carry out this scheme, it was necessary to get Maryland to come into the arrangement. After much negotiation,
 1666. that province passed an act for the purpose, and a "cessation" for a year was arranged, during which debtors were to have the privilege of paying only one half of their tobacco debts, for which grain and other produce were also made a legal tender. Before this act came into operation, the whole scheme was defeated by the proprietary of Maryland, who objected to it as injurious to the poorer planters, and to the king's revenue as well as his own.

The "nakedness of the country," occasioned by the low price of tobacco and the defeat of this scheme for raising its price, led to new legislative efforts for the intro-

1666.

duction of manufactures. Every county was to set up a loom at its own expense, and to provide a weaver. The requirement to plant mulberry trees, in force since the early days of the colony, not having been found to produce the desired effect, was now at last abandoned. The rewards hitherto offered for silk, cloths, and the building of vessels, were also withdrawn.

It was about this time that Berkeley sent out an exploring party, the first that crossed the Blue Ridge and penetrated into the valley beyond—an enterprise not again repeated for near fifty years.

The breaking out of the Dutch war had occasioned considerable alarm in Virginia. James River was entered by Dutch privateers, and trading vessels were seized there. Under the influence of this alarm, forts were built at Nansemond and James City, and on the York, Rappahannoc, and Potomac, on which were mounted some thirty pieces of cannon, partly purchased by the colony, and the rest sent out by the king. But the expense of keeping up these forts proved a heavy burden to the colony.

The lawfulness of holding Africans as slaves was supposed to rest, in part at least, on the fact that they were heathen. But of the negroes brought to Virginia, some had been converted and baptized, and this was the case to a still greater extent with those born in the colony. By what right were these Christians held as slaves? This question having been raised in Virginia, the Assembly came to the relief of the masters by enacting that negroes, though converted and baptized, should not thereby become free. At the same session, in remarkable deviation from the English law, it was also enacted, that killing slaves by extremity of correction should not be esteemed felony, "since it can not be presumed that pre-pense malice should induce any man to destroy his own

CHAPTER estate." The prohibition against holding Indians as
 XV. slaves was also relaxed as to those brought in by water,
 1670. a new law having enacted "that all servants, *not being*
Christians, imported by shipping, shall be slaves for life." About this period, and afterward, a considerable number of Indian slaves seem to have been imported into Virginia and New England from the West Indies and the Spanish Main.

As a necessary pendent to the slave code, the system now also began of subjecting freed slaves to civil disabilities. It had already been enacted that female servants employed in field labor should be rated and taxed as tithables. Negro women, though free, were now subjected to the same tax. Free negroes and Indians were also disqualified to purchase or hold white servants.

While the slave code was thus extended, the privileges and political power of the poorer whites underwent a corresponding diminution. During the period of the Commonwealth, the Virginia Assemblies had been chosen for only two years; but this privilege of frequent elections was no longer enjoyed. The Assembly of 1661 was still in existence, such vacancies as occurred being filled from time to time by special elections. Even this small privilege was begrudged to the poorer freemen; and, on the usual pretexts of tumultuous elections, and want of sufficient discretion in the poorer voters, it was now enacted that none but householders and freeholders should have a voice in the election of burgesses.

Some replies of Berkeley to a series of questions submitted to him by the plantation committee of the Privy
 1671. Council give quite a distinct picture of the colony as it then was. The population is estimated at 40,000, including 2000 "black slaves," and 6000 "Christian

servants," of whom about 1500 were imported yearly, principally English. Since the exclusion of Dutch vessels by the acts of navigation, the importation of negroes had been very limited; not above two or three ship-loads had arrived in seven years. The English trade to Africa, a monopoly in the hands of the Royal African Company, does not seem to have been prosecuted with much spirit; and such supply of slaves as that company furnished was chiefly engrossed by Jamaica and the other sugar colonies. Tobacco, to the quantity of fifteen or twenty thousand hogsheads of three hundred and fifty pounds each, is represented by Berkeley as the only exportable commodity, for the transportation of which, and the supply of the colony with imported goods, there came yearly from England and Ireland some eighty ships, besides a few ketches from New England. The Navigation Act is complained of as cutting off the market for staves, timber, and corn; but this could only be by excluding Dutch and other foreign ships from the colony; for, notwithstanding the navigation acts, the Virginians remained at full liberty to send those articles wherever they pleased. Unluckily, they had no shipping. "There is a governor and sixteen counselors, who have from his sacred majesty a commission of oyer and terminer, who judge and determine all causes that are above £15 sterling; for what is under, there are particular courts in every county, which are twenty in number. Every year, at least, the Assembly is called, before whom lie appeals; and this Assembly is composed of two burgesses out of every county. These lay the necessary taxes, as their exigencies require." It is added, however, that the Indian neighbors of the colony are "absolutely subjected, so that there is no fear of them." "We have forty-eight parishes," adds the governor, "and our min-

CHAPTER XV. isters are well paid, and by my consent should be better, if they would pray oftener and preach less. But as of

1671. all other commodities, so of this, the worst are sent us, and we have few that we can boast of since the persecution, in Cromwell's tyranny, drove divers worthy men hither. But I thank God there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government: God keep us from both!"

1672. No opposition appears to have been made in Virginia to the establishment of a crown custom-house to collect the duties imposed by act of Parliament on the shipment of "enumerated articles" from one colony to another. The Virginians might deem that act to be aimed rather at the New Englanders than at them. Yet grievances from England were not wanting. Public attention was soon much engrossed by some proceedings on the part of the king, which might lead the Virginians to question whether even the "tyranny of Cromwell" were not quite as tolerable, on the whole, as the rule of "his sacred majesty" Charles II. The royal quit-rents, instead of being applied to the benefit of the colony, had been given away, for a term of years, to one Colonel Norwood, whom Berkeley calls a "deserving servant of the crown;" but wherein his desert consisted does not appear. The whole "northern neck," that is, the peninsula between the Rappahannoc and the Potomac, had been granted to the Earl of St. Alban's, Lord Culpepper, and others, without even excepting the plantations already

1673. settled there. Finally, the entire colony was assigned, Feb. 25. for thirty-one years, to Lords Culpepper and Arlington, including all quit-rents, escheats, the power to grant lands

and to erect new counties, the presentation to all churches, and the nomination of sheriffs, escheators, and surveyors. These noblemen had a very bad character for rapacity. Arlington was one of the king's ministers, and a member of the famous "Cabal." They could have no object in obtaining this grant except to enrich themselves out of the colony. Perhaps they might question existing land-titles, of which some, it is probable, would hardly bear examination. The Assembly was alarmed, and three agents, Colonel Francis Moryson, late acting governor, Mr. Secretary Ludwell, and Major-general Thomas Smith, were dispatched to England to solicit a modification of this extraordinary grant, or to purchase it up for the benefit of the colony. To provide funds for this purchase, a tax was imposed of a hundred pounds of tobacco per poll, to be collected by two annual installments. To raise the ready money, this tax was to be farmed out at the rate of eight shillings, about two dollars, the hundred, that amount to be paid down at once by the undertakers. As a further and quite original means of filling the empty treasury, a tax of from thirty to seventy pounds of tobacco was imposed upon every unsuccessful suitor in any of the colony courts.

1673

1674.
Sept.

Besides this business of buying out Lords Culpepper and Arlington, the commissioners were also instructed to solicit a royal charter for the colony, confirming all land-titles, giving to the governor and council a general power as a criminal court, without the necessity of a special commission of oyer and terminer, and guaranteeing to the Assembly all the authority it had hitherto exercised. The proposed charter was approved by the solicitor and attorney general; the plantation committee reported in favor of it; and the king ordered it to be put into form. It encountered, however, some unexplained delays in pass-

1675.
Nov. 16.

CHAPTER ing the seals. Its progress was finally cut short by news
 XV. from Virginia of a nature to show that the absence of
 1675. free schools was by no means so absolute a guarantee
 against discontent and rebellion as Berkeley had sup-
 posed.

Discontents in Virginia had reached, in fact, a high pitch. The colony, county, and parish levies were all raised by poll taxes. Those who paid these taxes had little or no voice in imposing them. There had been no general election since the Restoration, and even in local elections to fill vacancies in the Assembly, a considerable part of the freemen had lost their right to vote. The taxes imposed to keep up the forts, and the late levy to buy out Culpepper and Arlington, caused great discontents, aggravated by the declining price of tobacco. In the selection of vestrymen and county commissioners the people had no voice at all. These local dignitaries, by long continuance in office, had grown supercilious and arbitrary. The compensation to the members of Assembly had been lately fixed at one hundred and fifty pounds of tobacco per day, besides near as much more for horses, servants, and boatmen. This amount was deemed excessive by the tax-payers, who accused the members of protracting their sessions for the mere sake of increasing their pay. The public dissatisfaction had
 1674. already shown itself in popular disturbances, "suppressed by proclamation and the advice of some discreet persons." Nothing, however, was wanting, except an occasion and a leader, to throw the whole community into a flame. An occasion was soon found in an Indian war; a leader presented himself in Nathaniel Bacon.

Bacon was a young man, not yet thirty, lately arrived from London, where he had studied law in the Temple. He had estates and influential connections in Virginia.

His uncle, of the same name, of whom he was pre-
 sumptive heir, held a seat in the council—an honor to
 which the young Bacon was also soon admitted. 1675.

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The Indian war seems to have originated in the movements of the Senecas, one of the clans of the Five Nations, who improved the interval of a short peace with Canada to attack their Southern neighbors the Susquehannas. The Susquehannas were precipitated on the settlements of Maryland. War followed, and aid was asked and given by the Virginia planters of the northern neck. Among these planters was one John Washington, an emigrant from the north of England, for some eighteen years past a resident in Virginia, founder of a family which produced, a century afterward, the commander-in-chief of the American armies. A fort of the Susquehannas, on the north side of the Potomac, was besieged by a party of Virginians under his leadership, and that of Brent and Mason. Some chiefs, sent out by the Indians to treat of peace, were seized and treacherously slain. The besieged party made a desperate resistance, and, having presently escaped, revenged the outrage on their envoys by many barbarities on the Virginia planters. The whole frontier was soon in alarm.

The furious and destructive Indian war, headed by King Philip, raging at this very time in New England, no doubt tended to increase the terror of the Virginians. By suggesting the idea of a general conspiracy for the destruction of the whites, it exposed even the most friendly tribes to be suspected as enemies. The Virginia Indians, or some of them, became hostile, or were thought so. The peace which had lasted for thirty years was broken. Numerous depredations, at various points, occasioned no little excitement in the colony. The people on the frontier, collected in garrisoned houses, never stir-

CHAPTER XV. red out unarmed. "The Indians were seen in small parties lurking throughout the land." The Indian traders, 1675. accused of having supplied the Indians with guns and ammunition, became objects of great popular detestation. The governor, who enjoyed a certain per centage on the Indian traffic, for which he had the sole right of granting licenses, shared, also, a part of this unpopularity, increased, there is reason to believe, by his energetic condemnation of the treachery practiced on the Susquehannas, and his disposition to shield the peaceful Indians from the indiscriminating rage of the colonists.

1676. Sir Henry Chicheley had arrived in Virginia a year or two before, with a commission as deputy governor. He set out at the head of a volunteer expedition to attack the Indians, but was speedily recalled. The Assembly met, and taking into "sad and serious consideration" the "sundry murders, surprises, and many depredations" lately committed, they declared war against all Indians "who are notoriously known, or shall be discovered to have committed the murders, surprises, or depredations aforesaid, their fautors, aiders, and abettors," and against all other "suspected Indians" who refused to deliver sufficient hostages, or to aid and assist in the pursuit, discovery, and destruction of the hostile.

March. As this was to be a war "with an enemy whose retirements are not easily discovered, so that a flying army may not be so useful at present," the Assembly ordered the enlistment of five hundred men, a quarter part horsemen, "to be drawn out of the midland and most secure parts of the country," "to be entered into standing pay, and placed at the heads of the rivers and other places fronting on the enemy." For the better discovery of the enemy's approaches, the horsemen were to range constantly between the garrisons, so as to meet

each other, if possible. The foot "were to be in action at the discretion of the commander for securing the adjacent plantations." Each garrison was to be allowed four Indians as guides. Commissioners were appointed in each county to impress the necessary men, horses, boats, and provisions, and additional commissioners "to use Indians in the war, and to require and receive hostages from them." Each post was to have a "chirurgion," and a "convenient quantity of medicines, salves, &c., to the value of five pounds sterling for every hundred men." Provisions were to be furnished at the rate of five bushels of shelled corn, and fifty pounds of pork or eighty of beef, for each man, for each term of four months. Horsemen were to be paid at the rate of two thousand pounds of tobacco a year, "and cask," reckoned at eight per cent. additional. Footmen were to have fifteen hundred pounds per year; corporals and drummers, one hundred and fifty pounds per month; sergeants, two hundred and fifty pounds per month; ensigns, three hundred pounds; lieutenants, four hundred pounds; captains, six hundred pounds per month, "and cask." Horses killed or dying in the service were to be paid for. "Due consideration by the Grand Assembly" was also promised of the "indigent families of such as happen to be slain, and of the persons and families of those who shall be maimed or disabled in this war." The remaining forces in the frontier counties were to be enrolled, and might be led to the relief of any fort attacked, but no offensive operations were to be undertaken without special leave of the governor—a prohibition which the result of the late expedition against the Susquehannas might well justify. Friendly Indians were to have "three watch-coats" for every prisoner taken, and one for every head brought in.

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1676. The "articles of war," made a part of this act, are sufficiently stringent. Any soldier, "drunk or sober," who shall "blaspheme the name of God," or "deride or contemn God's word or sacraments," is to "run the gauntlet through a hundred men, or thereabouts," and if the offense be repeated, to be "bored through the tongue with a hot iron." Death is to be the punishment of doing any hurt to an officer, or lifting arms against him; of drawing sword to do mischief after watch is set; of making a false alarm in the camp; of shooting off a musket in the night-time; of being found asleep or drunk on the watch; of desertion; "running from his colors;" or giving intelligence to the enemy. Swearing and drunkenness, on the third offense, are to be punished by "riding the wooden horse for an hour, with a musket tied to each foot," and by "asking forgiveness at the next meeting for prayer and preaching." Public prayers are to be duly read in the field every morning and evening. The act winds up by directing that the last Fridays in April and May be set apart as "days of public fasting and humiliation," humbly to implore "the divine assistance and blessing upon our endeavors in this war."

And "whereas the country's preparations for war in likelihood may cause a more than ordinary expense of provisions," by another act the exportation of corn is prohibited. A third act makes it death to sell powder and shot to the Indians. The late traders are wholly excluded from any further Indian traffic. Sensible, however, "that such friendly Indians as are among us in peace, if they be not supplied with watch-coats, hoes and axes to tend their corn and fence their ground, must of necessity perish of famine or live on rapine," to prevent this evil, the Assembly authorize a trade by "some sober

persons, not exceeding five," in each county, to be nominated by the county courts.

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In the present excited state of the public mind, this scheme of defense was not satisfactory. The governor was accused of leaning toward the Indians; the forts were denounced as a useless burden; and offensive operations were loudly demanded. This discontented party included "many gentlemen of good condition," "persons of the greatest quality in the province." Bacon, to whom the governor had refused a commission to beat up for volunteers against the Indians, was particularly forward. He gave out that, on news of any further depositions, he should march against the Indians, commission or no commission. An attack upon his own plantation, near the falls of James River, afforded him speedy occasion to carry his threats into effect.

Provoked at this disregard of his authority, the governor put forth a proclamation, depriving Bacon of his seat in the council, and denouncing as rebels all his company who should not return within a limited day. "Those of estates" obeyed; but Bacon, and fifty-seven others, proceeded onward till their provisions were near spent. Approaching a fort of friendly Indians, they asked provisions, offering payment. The Indians promised fairly, but put them off till the third day, by which time their stores were completely exhausted. Finding themselves in danger of starvation, and suspecting that the Indians had been instigated to their procrastinations by private messages from the governor, Bacon's men waded, shoulder deep, through a stream that covered the fort, entreating victuals, and tendering pay. A shot from the bank they had left presently killed one of their number. Apprehending an attack in the rear, "they fired the palisadoes, stormed and burned the fort and cabins,

April.

CHAPTER and, with the loss of three English, slew one hundred
 XV. and fifty Indians " Such was Bacon's own account of
 1676. this exploit.

The governor had marched in pursuit of Bacon, but was soon stopped short by disturbances in the lower counties, instigated by Drummond and Lawrence, residents at Jamestown. "The people drew together by beat of drum, declaring against forts as an intolerable pressure, and of no use;" nor was it found possible to appease these tumults except by dissolving the old Assembly and calling a new one.

Bacon was elected a burgess for the county of Henrico; but, as he approached Jamestown in a sloop with thirty armed followers, he was intercepted by an armed ship. Shots being fired at him, he fled up the river, but was presently arrested by the sheriff of Jamestown, and carried prisoner before the governor, with some twenty of his followers.

Neither "the ill temper of the new Assembly, which was much infected with Bacon's principles," nor the discontents still prevailing out of doors, would admit of harsh measures; nor does it appear, indeed, that at this moment the governor was inclined to severity. By the intervention of the culprit's uncle and his other friends, a reconciliation was speedily arranged. In consideration of a pardon which the governor had promised, four days after the meeting of the Assembly, Bacon, placed at the bar, confessed, on his knees, "his late unlawful, mutinous, and rebellious practices;" begged pardon therefor; desired the council and burgesses to mediate for him; and proffered his whole estate in Virginia as security for his good behavior. An act was also passed for putting in force the laws of England for the suppression of riots and tumults, of which, as the

preamble declares, "there have been many, of late, in diverse parts of this country." All officers, civil and military, were to exert themselves in this behalf to the utmost; and any persons refusing to aid them when called upon were to be "judged and punished as mutinous and rebellious." The governor, in case of "ill-disposed and disaffected people" gathered together, as of late, "by beat of drum," "in a most apparent rebellious manner," should the like disorders occur again, was to raise at once sufficient force, at the public charge, "to suppress the same, and inflict condign punishment on the offenders."

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Bidding them beware of "two rogues" among them—mentioning Lawrence and Drummond by name—the governor directed the burgesses to consider the subject of the Indian war. "Some gentlemen," we are told, "took this opportunity to endeavor the redressing several grievances." A committee was named for that purpose; but this proceeding was interrupted by pressing messages from the governor, "to meddle with nothing till the Indian business was dispatched."

Though all Bacon's company had been pardoned, and himself restored to his seat in the council, he soon secretly left Jamestown. A few days after, he reappeared at the head of three or four hundred armed men from the upper counties. Anticipating the York trainbands, for which the governor had sent, Bacon's men occupied all the avenues, disarmed the town's people, "surround the state house (sitting the Assembly), rage thereat, storm for a commission for Bacon, which, upon the earnest importunity of the council and Assembly, was at length obtained, as also an act of indemnity to Bacon and his men for this force, and a high applausive letter to the king in favor of Bacon's designs and proceedings,

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signed by the governor, council, and Assembly." So says the report of the royal commissioners appointed to investigate the origin and causes of Bacon's insurrection, and this account agrees sufficiently well with that given by one T. M., who sat in the Assembly as a Burgess for Stafford county, and who has left us a graphic history of the session. A planter and merchant of the northern neck, his hands full of his own business, and without "any inclination to tamper in the precarious intrigues of government," T. M. had been overpersuaded by his friends to stand as a candidate for the Assembly; to which he consented the more readily, as he had suffered severely both in his plantations and his merchandise from the late Indian disturbances, and was, therefore, very anxious to have them brought to an end. But his experience on this occasion of "pernicious entanglements in the labyrinths and snares of state ambiguities" made him resolve that, as this was his first, so it should be his last going astray from "his wonted sphere of merchandise and other private concerns into the dark and slippery meanders of court embarrassments."

"Upon news," says T. M., "that Mr. Bacon was thirty miles up the river, at the head of four hundred men, the governor sent to the posts adjacent on both sides James River for the militia and all that could be gotten to come and defend the town. Expresses came almost hourly of the army's approaches, who, in less than four days after the first accounts of them, at two of the clock, entered the town without being withstood, and formed in a body, horse and foot, upon a green, not a flight-shot from the end of the state house, as orderly as regular veteran troops." "In half an hour after, the drum beat for the House to meet; and in less than an hour more, Mr. Bacon came, with a file of fusileers on

either hand, near the corner of the state house, where the governor and council went forth to meet him. We saw, from the window, the governor open his breast, and Bacon strutting betwixt his two files of men with his left arm akimbo, flinging his right arm every way, both like men distracted; and if, in this moment of fury, that enraged multitude had fallen upon the governor and council, we of the Assembly expected the same immediate fate. In two minutes the governor walked toward his private apartment at the other end of the state house, the gentlemen of the council following him, and after them Mr. Bacon, with outrageous postures of his head, arms, body, and legs, often tossing his hand from his sword to his hat, and after him a detachment of fusiliers (muskets not being there in use), who, with their locks bent, presented their fusils at a window of the Assembly chamber filled with faces, repeating, with menacing voices, 'We'll have it!' 'We'll have it!' Whereupon one of our House, a person known to many of them, shook his handkercher out at the window, saying, 'You shall have it!' 'You shall have it!' At which words they sat down their fusils, unbent their locks, and stood still, till Bacon coming back, they followed him to their main body. In this hubbub, a servant of mine got so nigh as to hear the governor's words, and also followed Mr. Bacon and heard what he said, who told me, that when the governor opened his breast, he said, 'Here, shoot me! 'Fore God! fair mark! Shoot!' often rehearsing the same, without any other words. Whereto Mr. Bacon answered, 'No, may it please your honor, we'll not hurt 'a hair of your head, nor of any other man's. We are come for a commission to save our lives from the Indians, which you have so often promised, and now we'll have it before we go!'

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1676. "In an hour or more after these violent concussions, Mr. Bacon came up to our chamber and desired a commission from us to go against the Indians. Our speaker sat silent, when one Mr. Blayton, a neighbor to Mr. Bacon, and elected with him a member of Assembly for the same county, who therefore durst speak to him, made answer, it was not in our province or power, nor of any other save the king's vicegerent, our governor. Bacon pressed hard nigh half an hour's harangue on the preserving of our lives from the Indians, inspecting the public revenues, the exorbitant taxes, the grievances and calamities of that deplorable country. Whereto having no other answer, he went away dissatisfied.

"Next day there was a rumor the governor and council had agreed Mr. Bacon should have a commission to go general of the forces we were then raising. Whereupon I, being a member for Stafford, the most northern frontier, and where the war began, considering that Mr. Bacon, dwelling in the most southern frontier county, might the less regard the parts I represented, I went to Colonel Cole, an active member of the council, desiring his advice, if application to Mr. Bacon on that subject was then seasonable and safe. Which he approving and earnestly advising, I went to Mr. Lawrence, esteemed Mr. Bacon's principal consultant. He took me to Mr. Bacon, and there left me, where I was entertained two or three hours with the particular relation of divers before cited transactions," including Bacon's expedition against the Indians. "As to the matter I spoke of, he told me that the governor had indeed promised him the command of the forces; and if his honor should keep his word, which he doubted, he assured me the like care should be taken of the remotest corners of the land as of his own dwelling-house, and prayed me to advise him

what persons in those parts were most fit to bear commands. I frankly gave him my opinion that the most satisfactory gentlemen to governor and people would be commanders of the militia. Wherewith he was well pleased, and himself wrote a list of those nominated. That evening I made known what had passed with Mr. Bacon to my colleague, Colonel Mason, whose bottle attendance doubled my task. The matter he liked well, but questioned the governor's approbation of it. I confessed the case required sedate thoughts, but reasoned that he and such like gentlemen must either command or be commanded; and if, on their denials, Mr. Bacon should take distaste, and be constrained to appoint commanders out of the rabble, the governor himself, with the persons and estates of all in the land, would be at their dispose, whereby their own ruin might be owing to themselves. In this he agreed; and said, if the governor would give his own commission, he would be content to serve under General Bacon, as now he began to be entitled; but first would consult other gentlemen in the same circumstances. They all concurred it was the most safe barrier against pernicious designs, if such should be. With this I acquainted Mr. Lawrence, who went rejoicing to Mr. Bacon with the good tidings that the militia officers were inclined to serve under him as their general, in case the governor would please to give them his own commissions."

The Assembly, resuming the subject of the Indian war, passed an act appointing Bacon general of a thousand men, one eighth part horsemen or dragoons, destined for active operations. These forces, apportioned among the several counties, were to be composed of volunteers, if such offered and the general chose to accept them, or otherwise to be raised by impressment. The number

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1676. was to be increased if necessary, and the troops were to be divided into a northern and southern army by the line of York River. The superior officers were to be appointed by the governor; but Bacon took care to supply himself with a stock of blank commissions, signed with the governor's name. The company officers were to be nominated by the soldiers, but their selection was limited to the militia officers of their respective counties. The counties were to supply their respective quotas, with draft cattle, arms, ammunition, and provisions, "at least one pound of biscuit-bread and one half pound of good dried beef, bacon, or cheese for a day," and were to pay them wages at the rates already established for the troops in garrison at the heads of the rivers. A part of those garrisons were still retained; the rest were dispensed with, and the men taken into the line of the new army. Servants might enlist as substitutes, "providing the master be consenting and the servant willing," the master to have the pay and the servant the plunder. All Indians were to be esteemed enemies "who have or shall forsake their usual and accustomed dwelling towns," or who "receive or entertain in their towns, cabins, or forts any Indians our present enemies, or who shall hereafter become our enemies, or any strange Indians who do not properly belong to their towns." Those who desire to remain at peace are "to deliver up, kill, or destroy" all such strange Indians; or, if not strong enough for that, to give notice of their coming to the nearest militia officer or justice of the peace.

All Indians taken in war are to be held and accounted slaves during life. This, the first legislative attempt to reduce the native Indians of Virginia to slavery, may help, perhaps, to explain the eagerness of the colonists for offensive warfare.

Deserted Indian lands were not to be granted out to particular persons, but were vested in the several counties, to be by them applied toward defraying the charge of the war. CHAPTER
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That "all color and pretense for reviving the late mischievous Indian trade might be taken away," all commissions for Indian traffic, even those under the act of the last session, were annulled. But it still remained lawful to employ the Indians in fishing, and to deal with them in fish, canoes, bowls, mats, or baskets, making payment in corn only; nor were friendly Indians to be debarred fishing and hunting "within their own limits and bounds, using bows and arrows only."

The member for Stafford, who sat on the committee by which these Indian bills were matured, has left us a graphic account of an interview between that committee and an Indian chieftainess. "Our committee being sat, the Queen of Pamunkey, descended from Opechancanough, a former emperor of Virginia, was introduced, who entered the chamber with a comportment graceful to admiration, bringing on her right hand an English interpreter, and on her left her son, a stripling twenty years of age. She had round her head a plat of black and white wampum, three inches broad, in imitation of a crown, and was clothed in a mantle of dressed deer-skins, with the hair outward, and the edge cut round six inches deep, which made strings resembling twisted fringe from the shoulders to the feet. With grave, court-like gestures, and a majestic air in her face, she walked up our long room to the lower end of the table, where, after a few entreaties, she sat down, the interpreter and her son standing by her on either side. Our chairman asked her what men she would lend us for guides in the wilderness, and to assist us against our

CHAPTER enemy Indians? She spake to the interpreter to inform
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1676. her what the chairman said, though we believed she understood him, and then bade the interpreter ask her son, to whom the English tongue was familiar, and who was reputed the son of an English colonel. Yet neither would he speak to, nor seem to understand, the chairman, but, as the interpreter told us, referred all to his mother. Being again urged, after a little musing, with an earnest, passionate countenance, as if tears were ready to gush out, and a fervent sort of expression, she made an harangue of about a quarter of an hour, often interlacing, with a high, shrill voice and vehement passion, these words: ‘Talapotamoi dead!’ Colonel Hill, being next me, shook his head. I asked him what was the matter. He told me all she said was too true, to our shame. That his father was general in that battle where, diverse years before, Talapotamoi, her husband, had led a hundred of his Indians in help to the English against our former enemy Indians, and was there slain with most of his men, for which no compensation at all had been to that day rendered to her, wherewith she now upbraided us.”

“Her discourse ending, and our morose chairman not advancing one cold word toward assuaging the anger and grief her speech and demeanor manifested, nor taking any notice of all she had said, neither considering that we then were, in our great exigency, suppliants to her for a favor of the same kind as the former, for which we did not deny the having been so ingrate, he rudely pushed again the same question—What Indians will you now contribute? Of this disregard she signified her resentment by a disdainful aspect, and, turning her head half aside, sat mute, till the same question being pressed a third time, without returning her face to the board, she answered, with a low, slighting voice, in her own lan-

guage, 'Six!' Being further importuned, sitting a little while sullen without a word between, she said 'Twelve!' though she then had a hundred and fifty Indian men in her town. And so she rose and walked gravely away, as not pleased with her treatment."

The vigorous prosecution of the Indian war provided for, the Assembly turned its attention to internal reforms. Fees and public offices were regulated, and provision made against abuses of official authority. The right of voting for burgesses, and the election of the parish vestries, were restored to the freemen. The exemption from taxes hitherto enjoyed by the families of ministers and counselors was taken away. In making the county levy, the commissioners were to be joined by delegates from the parishes. All "ordinaries, ale-houses, and tippling-houses" were suppressed, except "in Jamestown, and at each side of York River at the two great ferries." The ordinaries at these latter places might "sell and utter man's meat, horse meat, beer and cider, but no other strong drink whatsoever;" and any person, "except as aforesaid, presuming to sell any sort of drink or liquor by retail, under any color, pretense, delusion, or subtle evasion whatsoever, to be drunk or spent in his or their house or houses, or upon his or their plantation or plantations," was liable to a fine of one hundred pounds of tobacco, payable to the informer. Edward Hill and John Stith, "great instruments in stirring up the late differences," by reason of "the illegal and unjust burdensome taxes," by the "art, skill, and cunning" of the said Hill and Stith, and for "their private ends and gain," imposed upon the inhabitants of Charles City county, were specially disqualified to hold any office in any parish of that county. The legislation of this remarkable Assembly, known collectively as Bacon's laws,

concludes with an act of general and total pardon and oblivion of all treasons, felonies, contempts, crimes, and misdemeanors done or counseled since the first day of March last past, to the four and twentieth day of June, except breaches of the act against trade with the Indians.

The Assembly adjourned, the general appointed by it undertook an expedition against the Pamunkeys, whom, according to the governor's partisans, he frightened from their lands, and made hostile, if they were so. While Bacon was thus employed, Berkeley was encouraged by a loyal petition from Gloucester county, got up by Philip Ludwell, one of the council, to proceed thither, and to issue a new proclamation, again denouncing Bacon as a rebel. But the projects of the governor were counter-worked by the activity of Drummond and Lawrence. Bacon, in reply, put forth a declaration, in which he arraigned the governor, justified himself, and called a convention of delegates from the several counties to meet at Middle Plantation (now Williamsburg). This convention, attended by many of the principal men of the colony, agreed upon an oath to be imposed on the inhabitants, and an "engagement" to be signed by them, promising to support Bacon even against troops from England till the matters in dispute could be referred to the king.

As even the loyal inhabitants of Gloucester seemed cold to his cause, Berkeley presently retired to Accomac, on the eastern shore, accompanied by Beverley, Ludwell, and a few others. This withdrawal was treated as an abdication of office, and Bacon, with four members of the council, issued writs for electing a new Assembly.

Bacon's party had been joined by Giles Bland, the collector of the customs, "a gentleman newly arrived from England to possess the estate of his deceased uncle, late of the council." Bland seized the ship of one Lori-

more, increased her armament to sixteen guns, and sailed with a force of two hundred and fifty men to attack Berkeley, in company with Captain Barlow, "one of Cromwell's soldiers," and Carver, "a good seaman, and a stout, resolute fellow," who commanded a bark of four guns. But by the contrivance of Lorimore, supported by the courage of Ludwell, the large ship was betrayed into the governor's hands. The other vessel was also taken. Bland was put in irons; Carver and Barlow were hanged—a rash act, it was thought, since Bacon had Sir Henry Chicheley and other counselors in his power, and might, perhaps, retaliate. Most of the men, on the offer of pardon, were induced to enter the governor's service.

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By liberal promises of pay and free plunder, Berkeley collected a force of near a thousand Accomacians. With two ships and some sixteen sloops, he presently entered James River, and proceeded to occupy Jamestown.

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Bacon's men were already dispersed, but he soon collected a new force, and, though far inferior in numbers to the governor, laid close siege to Jamestown. The peninsula or island, for so it was called, on which that ancient town was situated, two miles in length, and about a mile in breadth, washed on the south by the James River, was encompassed on the north by a deep creek, which united with the river on the east, and ranged westward, in a semicircle, till within a few paces of the river bank. This peninsula, as described by one of the original historians of this insurrection, "is low ground, full of marshes and swamps, which make the air, especially in the summer, insalubrious, not at all replenished with springs of fresh water, and that which they have in their wells brackish, ill scented, penurious, and not grateful to the stomach, which renders the place improper to endure the commencement of a siege."

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While completing his intrenchment across the neck of the peninsula, Bacon resorted to a curious sort of stratagem to cover his unfinished works from attack. "He was no sooner arrived at town," so writes Mrs. Anne Cotton to her friends at Yardley, in Northamptonshire, "but by several small parties of horse, two or three in a party, for more he could not spare, he fetcheth into his little leagure all the prime men's wives whose husbands were with the governor, as Colonel Bacon's lady, Madam Bray, Madam Page, Madam Ballard, and others, which the next morning he presents to the view of their husbands and friends in town upon the top of the small work he had cast up in the night, where he caused them to tarry till he had finished his defense against his enemies' shot, it being the only place, as you do know well enough, for those in town to make a sally at."

The works being finished, and the ladies removed, the besieged made a sally, but were repulsed with loss. Finding himself in an awkward predicament, and his troops not to be depended upon, the governor made a hasty retreat by night, taking with him the town's people and their goods, "leaving all the great guns nailed up, and the houses empty, for Bacon to enter at his pleasure, which he did the next morning before day, where, contrary to his hopes, he met with nothing that might satisfy either himself or his soldiers, except a few horses, two or three cellars of wine, and some small quantity of Indian corn, with a great many tanned hides."

The governor anchored some twenty miles below the town. To prevent his return, Bacon's party set it on fire, not sparing even the church, "the first that ever was in Virginia." It consisted, besides the church and state house, of some sixteen or eighteen houses, "most

as the church, built of brick, fair and large, and in them about a dozen families, for all were not inhabited, getting their livings by keeping ordinaries at most extraordinary rates." The legislative attempts to build up Jamestown seem not to have been attended with much success. Drummond and Lawrence were accused of having counseled this conflagration, and of giving the example by each setting fire to his own house, the best in the town next to the governor's.

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Jamestown burned; Bacon marched to meet Colonel Brent, who was advancing fast upon him from Potomac, at the head of twelve hundred men, to raise the siege of Jamestown. Brent was presently deserted by his soldiers, and Berkeley having again retired to Accomac, Bacon marched to Green Spring, the governor's estate, where he "feasted his men at the governor's cost;" after which he crossed York River into Gloucester, and succeeded, though not without a good deal of difficulty, in inducing the inhabitants of that county to take the engagement.

The whole western shore thus subjected to his authority, just as Bacon was purposing to cross over to Accomac, he was seized with a violent disorder, contracted among the marshes of Jamestown, by which he was soon carried off. He had taken the most prominent part in the late commotions, known, from him, as BACON'S REBELLION, but, as often happens in such cases, others less forward had exerted perhaps a greater influence. The governor considered Drummond and Lawrence as the prime movers, and, as such, had specially excepted them from all offers of pardon. Drummond was a "sober Scotch gentleman of good repute." He had formerly been appointed by Berkeley governor of the infant settlements of North Carolina, but was at this time, prob-

Oct.

CHAPTER ably from a long course of opposition, an object of great
XV. rancor on the part of the governor, who stigmatized him,
1676. indeed, as "the original cause of the whole rebellion."
Lawrence was "formerly of Oxford University, and for wit, learning, and sobriety, equaled there by few." Some years before, "he had been partially treated at law" by the governor and council "on behalf of a corrupt favorite." "I myself have heard him," says our historical burgess from Stafford county, "in his familiar discourse, insinuate as if his fancy gave him prospect of finding, at one time or other, some expedient not only to repair his great loss, but therewith to see those abuses rectified that the country was oppressed with, through, as he said, the frowardness, avarice, and French despotic methods of the governor. And likewise I knew him to be a thinking man, and, though nicely honest, affable, and without blemish in his conversation and dealings, yet did he manifest abundance of uneasiness in the sense of his hard usages, which might prompt him to improve that Indian quarrel to the service of his animosities. And for this the more fair and frequent opportunities offered by his dwelling at Jamestown, where was the concourse from all parts to the governor; and besides that, he had married a wealthy widow, who kept a large house of public entertainment, unto which resorted those of the best quality, and such others as business called to that town; and his parts, with his even temper, made his converse courted by persons of all ranks; so that, being subtile, and having all these advantages, he might with less difficulty discover men's inclinations, and instill his notions where he found they would be imbibed with greatest satisfaction." "As for Mr. Bacon, fame did lay to his charge the having run out his patrimony in England, except what he brought to Virginia, and of

that the most part to be exhausted, which together made him suspected of casting an eye to search for retrievements in the troubled waters of popular discontents, wanting patience to wait the death of his opulent cousin, old Colonel Bacon, whose estate he expected to inherit. But he was too young, too much a stranger here, and of a disposition too precipitate to manage things to that length they were carried, had not thoughtful Mr. Lawrence been at the bottom." 1676.

With Bacon's life expired his commission, granted by the Assembly; also the engagement, which ran to him personally. The insurgents, however, still stood on their defense, the chief military command devolving on Ingram, recently come into the country, where he had possessed himself "of a fine, though short-lived estate, by marrying with a rich widow, valued at some hundreds of pounds."

Not long after Bacon's death, Beverley, having sailed from Accomac in a sloop, entered York River, "snapped up" one Colonel Hansford and his party, and carried them prisoners to Accomac. This Hansford "had the honor," according to one of our authorities, "the ill luck," according to T. M., "to be the first Virginian that ever was hanged." "It is said," this latter authority reports, "that Hansford, at or a little before the onslaught, had forsaken the capital of Mars to pay his oblations in the temple of Venus; but this I have only on report, and must not aver it upon my historical reputation." This anonymous writer is evidently somewhat given to scandal, since he charges upon "thoughtful Mr. Lawrence" that he "eclipsed his more than ordinary learning and parts as well in the transactions of the present affairs as in the dark embraces of a black-amoor, his slave, and that in so fond a manner as though Venus was chiefly to be worshiped in the image of a

CHAPTER negro, to the no mean scandal and affront of all the vo-
 XV. taresses in and about town."

1677. In a second expedition, not long after, Beverley suc-
 Nov. ceeded in surprising and capturing Wilford and Cheaseman, two other of the rebel leaders. Wilford was an Indian interpreter, "second son of a knight who had lost his life and estate in the late king's quarrel," one of those who went out with Bacon in the first Indian expedition, and charged by Berkeley with having frightened the Queen of Pamunkey from the lands granted to her by the Assembly. Wilford was hanged. Cheaseman's wife begged his life on her knees, "desiring that since what her husband had done was by her means, and so, by consequence, she most guilty, she might be hanged and he pardoned!" The angry governor overwhelmed this devoted woman with vulgar abuse. Her husband died in prison, before trial, of grief, fear, or bad usage, all of which were alleged.

Encouraged by these successes, and joined by two or three English ships lately arrived in the bay, Berkeley sailed for York River with all his forces. Beverley, a third time successful, surprised Harris, quartered in Gloucester county with a party of insurgents. The men of Gloucester and Middlesex were thus encouraged to rise in the governor's favor. The principal body of insurgents, commanded by Ingram in person, with one Walklett as his lieutenant, was posted at West Point, a strong position at the forks of Pamunkey and Matapony, where they unite to form York River. Walklett presently marched with a detachment to suppress the rising in Middlesex. A part of the Gloucester men hastened to cut him off. But, in the mean time, those who remained behind, suddenly attacked by Ingram, were obliged to surrender. The others, returning unsuccessful from their

march against Walklett, also surrendered, and Gloucester passed again under the power of the insurgents. CHAPTER
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Green Spring, in James City county, on the other side of the York, the governor's estate, was held by a strong insurgent party, who had barricadoed all the approaches, and planted cannon to defend them. An attack on this post by a part of the governor's forces was repulsed with the loss of the leader. 1676.

Unsuccessful in arms, Berkeley had recourse to negotiation. He wrote several "complimental letters" to Walklett, and by the "well contrivance" of Captain Grantham, in whose ship Ingram had formerly come passenger to Virginia, the two leaders, on promise of pardon, were induced to betray their forces into the governor's hands. About the same time, Graines, "the chiefest rebel on the south side of James River, was shot dead by Captain Couset, and all his guards, with drums, followers, and ammunition, taken." The greater part of James River declared for the governor. Drew, "formerly a miller," but placed in command of Green Spring by Bacon, surrendered on terms. Drummond, taken, half famished, in Chickahominy Swamp, was stripped, put in irons, and brought before the governor, tried the next day by court martial, and, though he had never held any military command, found guilty in half an hour, and hanged within four hours after. "The last that was heard of Lawrence was from an uppermost plantation, whence he and four others, desperadoes, with horses, pistols, &c., marched away in a snow ankle deep, who were thought to have cast themselves into a branch of some river rather than be treated like Drummond." The forethought of Lawrence had caused Bacon to be secretly buried, so that "his bones were never found to be exposed on a gibbet, as was purposed." 1677.
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The first news of these disturbances arriving in England, cut short the promised charter just as it was ready to pass the seals. Instead of that charter, very liberally drawn, a short patent was substituted, relating chiefly to the judicial powers of the council, and the security of land titles, but without any mention of the Assembly, which was thus left to depend for its existence on the royal instructions. A royal proclamation of the same date authorized the governor to offer pardon to all who should repent and return to their obedience, Bacon only excepted. Letters were presently directed to Lord Baltimore and the Duke of York to seize Bacon, should he retire to their provinces, and send him back prisoner to Virginia.

As soon as the means could be mustered—for the king's exchequer was always low—three commissioners, Sir Herbert Jeffreys, appointed lieutenant governor of the colony, Francis Moryson, late one of the colonial agents, and Sir John Berry, were dispatched to Virginia, and with them a regiment of regular soldiers under Berry's command. They carried out a royal proclamation, offering pardon to all, Bacon only excepted, who should submit within twenty days after its publication; also instructions to the governor to declare all laws of the late Assembly void, and to call a new one, for members of which only freeholders were to be allowed to vote. The Assembly henceforth was to meet only once in two years, and, unless for special cause, was not to remain in session more than a fortnight; the wages of the members to be so reduced as not to be a burden to the country. These latter provisions were intended by the king in redress of grievances complained of by the tax-payers.

“God Almighty hath been inexpressibly merciful to

this poor province!" so wrote Berkeley to his lieutenant Beverley, giving an account of Drummond's arrest and execution. But the hard-hearted old governor was himself implacable. His house in Jamestown had been burned; his plantation at Green Spring plundered. His pride had been touched by resistance to his authority, and his avarice by the loss of his property. The commissioners, on their arrival, found the governor by no means satisfied with the seventeen condemnations and fourteen executions already had by martial law. Of those condemned, one had died before execution, and two had escaped. Instead of publishing the king's proclamation of pardon, the governor issued one of his own, containing many exceptions besides Bacon.

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Jan. 21.

Jan. 29.

Feb. 10.

Trials before the governor and council by "juries of life and death" were now substituted for courts martial, but the prisoners gained very little by the change. Bland was one of the first victims. He pleaded the king's pardon in the governor's pocket, but without avail. "It so happened," say the commissioners, "that none did escape being found guilty, condemned, and hanged, that did put themselves on trial." "We also observed some of the royal party that sat on the bench with us to be so forward in impeaching, accusing, and reviling the prisoners at the bar with that inveteracy as if they had been the worst of witnesses rather than justices of the commission, both accusing and condemning at the same time. This severe way of proceeding being represented to the Assembly, they voted an address to the governor that he would desist from any further sanguinary punishments, for none could tell when or where it would terminate. So the governor was prevailed on to hold his hand, after hanging twenty-three, eight of which we sat at the trial and condemnation of, and ad-

CHAPTER XV. 1677. visited that they should be executed in their own counties, under small guards, to try the temper of the people, which proved all peaceable." The executions, it is said, exceeded the number of all slain on both sides during the war.

Though executions were suspended, trials still went on. A great many, without trial at all, were subjected to heavy fines, payable sometimes in tobacco, and sometimes in pork for the use of his majesty's soldiers. Some had their whole estates taken from them. Others were banished, their property being forfeited except enough to pay their passage out of the country. Others were sentenced to ask pardon on their knees, and to beg their lives with a rope about their necks. In some cases, through connivance of the magistrates, a "small tape," or "Manchester binding," appears to have been used; but this lenity was denounced by the council as a high contempt of their authority. Some of the fines were laid to the governor's use. Such was the certainty of conviction, "there was not a man but would much rather acquiesce to have any fine laid upon him before he would venture to stand his trial." "So that at last," say the commissioners, "this was the question to criminals—Will you stand your trial, or be fined and sentenced as the court shall think fit?"

The commissioners complained of these arbitrary fines as in conflict with the king's proclamation, which pardoned all or nothing, and as "a most apparent contradiction to the laws of England," which forbade the seizing of any man's estate without lawful trial. They called the attention of the governor to an opinion of "the learned Lord Coke" positively against any such proceedings; but he gave little heed to it, appealing to the king, the Privy Council, and the learned judges of the

law. The commissioners then insisted that the forfeited estates should be appraised and inventoried, and bonds taken from the parties in possession, none to be dispossessed till his majesty's pleasure should be known. The first precedent of this sort had indeed been established by Berkeley himself, in granting the petition of the widow Bacon, to enjoy, under these conditions, the estate of her late husband.

Toward the widow of Drummond Berkeley was much less gracious. Drummond's small plantation was seized to the governor's own use, and the widow driven from it, with her five small children, to wander and starve in the woods. But Sarah Drummond knew how to defend herself. She petitioned the king in council to be put on the same footing with the other widows; and presently, after Berkeley's death, she brought a suit against the Lady Berkeley, to recover the value of a crop she had appropriated; and in both cases successfully.

The women, indeed, seem to have taken an active part in this affair. The wife of Cheaseman has been already mentioned. Sarah Grindon, "the wife and late attorney of Thomas Grindon," was specially excepted as "a great encourager and assister in the late horrid rebellion," out of an act of indemnity and free pardon presently passed.

This indemnity and pardon were, however, very limited. All those already executed or banished, together with several others who had escaped, were specially excepted from it, as were twenty-four other persons by name, except as to the punishment of death; several of whom were disposed of in a separate act of pains and penalties. Nor was this pardon to extend to servants, or to such as had plundered any Loyalists, or destroyed their cattle or burned their houses. Even to this slight con-

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cession the governor would not consent without an act of attainder, including all whom he had executed by martial law, and such as had escaped by death or flight. By another act, all who had held any command during the rebellion, or had been eminent in aiding, assisting, or encouraging it, except such as by a timely return to duty assisted in its suppression, were disqualified to hold any office, civil or military, except the offices of constable and surveyor of highways—a disqualification specially extended to Ingram, Walklett, and all who were in arms when West Point surrendered. To presume to speak, write, or publish any thing tending to rebellion, or in favor of the late rebels, exposed to heavy fines and standing in the pillory; the third offense to be punished as treason. If the culprit were a married woman, and no one volunteered to pay her fine, she was “to be whipped on the bare back with twenty lashes for the first offense,” and thirty for the second. Similar penalties were imposed for speaking disrespectfully of any in authority. Yet necessary reforms were not wholly omitted. It was provided by the same act, that any justice of the peace so drunk on court days as to be adjudged by his fellows incapable of performing his duties, should be fined, and for the third offense should lose his commission. Ministers “notoriously scandalous by drunkenness, swearing, fornication, or other heinous and crying sins,” were to forfeit for the first and second offenses half a year’s salary, and for the third offense their cures. Several laws of the late Assembly for the correction of official abuses were re-enacted almost in terms. The act against tipping houses was somewhat relaxed; but all ordinaries must be licensed, the rate of charges was fixed, and only two were to be allowed in each county. Of those active in the late commotions, Bacon, Ingram,

and Bland had been recent comers. That circumstance, probably, prompted a law, that no person not born in the colony, "unless commissioned by his most sacred majesty," should hold any office till after a three years' residence. Convicts in England and elsewhere were forever disqualified to hold any office. The Assembly closed their labors by directing the courts of law to be reopened, and appointing the fourth day of May and the twenty-second of August, the one as a solemn fast for manifold sins, the other as a thanksgiving for recent great mercies.

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The inhabitants being called on to send in their grievances, the royal commissioners were soon overwhelmed with complaints. It was apparent that on several points they did not approve the governor's proceedings. He hastened to England to justify his conduct, leaving the government in the hands of Jeffreys.

April 27.

The report of the commissioners, carried to England by Moryson and Berry, was denounced by the governor's friends as a "scandalous libel and invective" against both the governor and the "royal party" in Virginia. Sir William Berkeley was taken sick shortly after his arrival in England, and died without ever having seen the king. A report was whispered about in Virginia, said to have been derived from one of the governor's attendants, that his death was hastened by hearing that the king had said of him, "That old fool has hanged more men in that naked country than I did here in England for the murder of my father." But according to another account, he was graciously consoled on his death-bed by royal inquiries after his health. It is certain, however, that Lord Berkeley reproached the commissioners with having caused his brother's death. The late governor, having no children, left all his property to his

CHAPTER wife, the Lady Frances, who presently intermarried with
 XV. Philip Ludwell.

1677. The Indian war, the immediate cause of all the late disturbances, seems to have subsided so soon as expeditions against the Indians were dropped. Before the departure of his brother commissioners, Jeffreys easily effected a peace with the nearer tribes, in which even the more remote ones soon desired to be included. A new
 Oct. Assembly, called by Jeffreys, re-established the Indian trade upon a new footing. It was to be free to all, but was limited to semi-annual fairs at certain fixed places.

The same Assembly declared the year 1676 out of the statute of limitations; regulated suits and compositions for injuries done and property plundered during the late insurrection, and prohibited the use of provoking language on either side, tending to prevent the restoration of the colony to "its former estate of love and friendship." They ventured, also, to remonstrate against some late proceedings of the royal commissioners in forcing their clerk, Beverley, to deliver up the records of the Assembly, which "they did take to be a violation of their privileges, for which they desired satisfaction." But the king, so far from giving it, presently directed
 1681. this resolution to be "rased out of the books," and a bill to be brought in "declaring the right of his majesty and his officers to call for all the public records and journals whenever they shall think it necessary for his royal service."

While Beverley thus put himself out of favor with the new authorities, Ludwell was provoked by Jeffreys's refusal to allow him to proceed at law against Walklett for damages done to his property during the rebellion, it being Jeffreys's opinion that Walklett was guaranteed against any such proceedings by the terms of his sur-

render. Thereupon he indulged his tongue, unrestrained by the late acts, in very free comments on the governor. CHAPTER
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“He was a worse rebel than Bacon;” “he was perjured in interrupting the course of justice;” “he was not worth a groat in England;” “if every pitiful little fellow with a periwig that came out as governor was to undertake to make laws, there was an end of all security.” Ludwell was prosecuted, found guilty by a jury, and the whole proceedings transmitted to the king in council for advice as to the proper punishment. Ludwell appealed to the Assembly, as had been usual; but, instead of allowing the appeal, it was transmitted along with the other proceedings. The result appeared some years after, in a royal order prohibiting appeals to the Assembly; and that body thus lost forever the judicial authority it had hitherto exercised. 1677.
1683.
May 23.

Upon the death of Jeffreys, Sir Henry Chicheley produced his old commission as deputy governor, in which capacity he was acknowledged by the council. He presently called an Assembly, when measures were taken, very similar to those originally recommended by Berkeley, to guard the frontiers, which still continued to suffer by the depredations of stranger Indians, war and hunting parties of the Five Nations, and other tribes under their control. Forts were established on the Potomac, the Rappahannoc, the Mattapony, and the James River above the falls; and, to provide garrisons for them, every forty tithables throughout the colony were to furnish and support a man and horse completely provided with arms and accouterments. The law subjecting Indian captives to slavery was still retained. An attempt was also made to strengthen the frontier by grants of land for the establishment of military villages on the upper courses of the Rappahannoc and the James, two hund- 1678.
Dec.
1679.
April

CHAPTER red and fifty able men to settle in each village, and to
 XV. be always ready to repel the Indians. It does not ap-
 1679. pear, however, that this scheme was ever carried into
 effect. The poverty of the colony, occasioned by the
 declining price of tobacco, soon caused the garrisons to be
 reduced to twenty men each. By a "declaratory order"
 of this Assembly, all patents of lands extended to low-
 water mark, and carried with them an exclusive right
 of fishing.

Along with the joint grant of Virginia to Culpepper
 and Arlington, a commission also as governor for life, to
 take effect whenever Berkeley vacated the office, had
 been given to Culpepper. That nobleman had become
 possessed of the entire grant by the release of Arling-
 ton's share, and, after many delays, and repeated hints
 from the king, he proceeded at last to Virginia, and was
 1680. sworn into office. He carried with him—what the royal
 May. commissioners had recommended, with an assurance to
 the king that the Virginians would never do it of them-
 selves—an act of general pardon and oblivion under the
 great seal, intended to bring to a final conclusion the
 disorders, discontents, and dissensions growing out of
 Bacon's rebellion. That act, which passed the Assem-
 bly unanimously, remitted all forfeitures in consequence
 of the rebellion, except as to the estates of Bacon, Bland,
 Lawrence, and seven others; but disqualification to hold
 office still attached to Ingram, Walklett, and three oth-
 ers. Any new suits for damages done were prohibited
 except for the recovery of specific articles of property
 belonging to Royalists. Indented servants engaged in
 the rebellion were to suffer no other penalty except the
 loss of their time for eight months and a half, to be add-
 ed to their respective periods of servitude.

Another act, also under the great seal, gave to the

governor the power of granting letters of naturalization. CHAPTER
 A third revised and confirmed the acts imposing export XV.
 and tonnage duties, adding a duty of sixpence a head 1680.
 upon all persons arriving in the colony. But the bur-
 gesses insisted upon continuing the exemption from ton-
 nage duties hitherto granted to Virginia vessels.

One John Buckner having brought a printing press
 to Virginia, presently printed the laws of this session, 1682.
 for which he was called to account by Culpepper and
 his council, and obliged to give bonds to print nothing
 more till his majesty's pleasure should be known. That
 pleasure, as signified in the royal instructions of the next
 year, positively forbade the allowance of any printing
 press in the colony.

The regiment of soldiers sent out with the king's
 commissioners, instead of being placed in garrison on the
 frontiers, had been quartered on the inhabitants, who
 complained grievously of the burden. The troops them-
 selves had suffered greatly by sickness. After repeated
 representations and complaints from the lieutenant gov-
 ernor and council, orders for disbanding and money for
 paying them finally arrived.

The price of tobacco had fallen to a penny a pound.
 The colonists were not able to buy common necessaries.
 Thus pressed, recourse was again had to new schemes
 for building up towns and promoting trade and manu-
 factures. The late Assembly, by a law called the "Co-
 habitation Act," had directed that fifty acres of land,
 conveniently situated, be purchased by each county, and
 laid out for a town and store-houses; all tobacco and
 other exportable goods to be carried to those towns for
 sale and shipment, and all imported goods, "English
 servants, negroes, and other slaves," to be there exclu-
 sively landed and sold. Penalties had been annexed to

CHAPTER XV. violations of this law, and prosecutions were commenced
 1680. against those who disregarded it. But, upon the remon-
 strance of the English merchants trading to Virginia,
 to whom it proved very inconvenient, its execution was
 suspended by order in council.

The old project of a "stint," or "cessation" in the
 planting of tobacco, was also revived. The inhabit-
 ants of several counties signed a petition to the govern-
 or to call a special session of Assembly for that purpose.
 Alarmed at symptoms which seemed to portend a new
 rebellion, without consulting his council he granted the
 1682. request. The Assembly met, but, after vehement de-
 April 18. bates, proceeded no further than to petition the king to
 order a stint, not in Virginia only, but in Maryland and
 Carolina also, the importation of whose tobacco into Vir-
 ginia had lately been prohibited by statute. The dis-
 appointed planters assembled tumultuously in the peti-
 tioning counties, and cut up the tobacco plants. The
 actors in this affair being "inconsiderable people," pro-
 ceedings against them were suspended for the present,
 in hopes of fixing the offense on persons of more conse-
 quence.

Notwithstanding Beverley's services as Berkeley's
 lieutenant in suppressing the insurrection of Bacon, his
 jealous custody of the records of the House of Burgesses,
 and his refusal to submit them to the inspection of
 the king's commissioners, had given great offense. A
 royal letter had suggested to the council the propriety
 of visiting all concerned in that business with special
 "marks of the king's displeasure." With the object
 apparently of compelling the Assembly to choose another
 clerk, Beverley was arrested on the charge of stir-
 ring up informations under the Cohabitation Act, setting
 on foot petitions for an Assembly, and giving assurances

of a cessation, whereby he had provoked the people to riot. On these vague accusations he was kept a prisoner, his discharge on writ of *Habeas Corpus* being refused, that point being referred to the king. Next he was accused of interfering with the business of the secretary, in opening a letter containing writs for the election of burgesses. But this he insisted had been done by the governor's special order. At last, upon an information of the attorney general, he was found guilty of high misdemeanors, or, rather, he confessed himself guilty, and compounded matters by asking pardon on his bended knees. The next Assembly evinced their sympathy by again choosing him their clerk.

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1682.

Nov.

1684.

May.

Meanwhile prosecutions against the plant-cutters proceeded. Under advice from England, several of them were found guilty and executed for treason, which, by a declaratory act of Assembly, was pronounced to be committed by all who assembled to the number of eight or more, to cut up or destroy tobacco plants or any other crop.

April.

The slave code during Culpepper's administration received some additions. Slaves were prohibited to carry arms, offensive or defensive, or to go off the plantations of their masters without a written pass, or to lift hand against a Christian even in self-defense. Runaways who refused to be apprehended might be lawfully killed. The condition of slavery was imposed upon all servants, whether negroes, Moors, mulattoes, or Indians, brought into the colony by sea or land, whether converted to Christianity or not, provided *they were not of Christian parentage or country*, or Turks or Moors in amity with his majesty. An unsuccessful attempt was made in the council, whether dictated by humanity, by policy, or by a wish to promote the interests of the Royal African

1682.

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1682. Company, to re-enact the old law prohibiting the enslavement of Indians. The evils of the slave system were already felt. Culpepper refers, in an official report, to "the buying of blacks" as having "exceedingly contributed" to the over-production of tobacco.

Though Culpepper had obtained from the Assembly a salary of £2000, \$8000, besides presents and perquisites, he seems to have had little relish for a banishment to Virginia, whence he twice returned without leave. On his return the second time, convicted by a jury of receiving presents from the Assembly contrary to his orders, he was deprived of his office by a legal process, and he soon found it expedient also to surrender his patent, receiving therefor a pension of £600. Virginia thus restored to the crown, Lord Howard of Effingham
1684. was sent out as governor, with a frigate to enforce the navigation acts.

It was by an Assembly which he called that the already mentioned act against plant-cutters was passed.
April. The public revenue was aided by a tax of threepence per gallon upon all liquors imported, except from England. Additional measures were also taken for frontier defense, in furtherance of which Effingham presently visited Albany, and, with the assistance of Dongan, governor of New York, negotiated a treaty with the Five Nations, which put a stop to the depredations on the frontier, under which, for several years past, Virginia had suffered.

1685. A new Assembly was presently called; but, instead of proceeding to business, the members "spent their time in frivolous and unnecessary debates"—at least such was the judgment of James II. on their conduct—"presuming so far as to raise contests touching the governor's negative voice." This behavior the king was pleased to

ascribe not only to a disposition to protract the session, and thereby to increase their wages, but also to the influence of Beverley, whom they had elected as their clerk, and whom the king now declared incapable of any office or public employment in Virginia, and ordered to be prosecuted, if the governor found cause, "according to the utmost rigor of the law, for altering the records of the Assembly." The governor's conduct in proroguing the Assembly was approved; he was ordered to dissolve it; and henceforward to assume to himself authority to appoint a fit person to execute the office of clerk of the House of Burgesses. Nor did the House regain the appointment of its clerk till the reign of Queen Anne.

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1685

Previous to the arrival of this order, the Assembly, at an adjourned session, had passed an act, by which debts contracted in Maryland and Carolina were first made recoverable in the Virginia courts.

1686.
Oct.

Effingham, like his predecessor, was greedy for money. All probates of wills were required to be sealed, and, for the use of his seal, the governor demanded a fee of two hundred pounds of tobacco. A new fee of thirty pounds of tobacco was demanded by the secretary for recording grants of land. It was partly, perhaps, this same desire of fees which led to the establishment of a Court of Chancery, of which the governor claimed, by virtue of his office, to be sole judge, with the assistance, however, of such counselors as he chose to consult. In conformity with the policy adopted by James II. not less in America than in Europe, Ludwell and Custis were displaced from the council to make room for two papists.

1687.
Oct. 27.

1686.

An act of Lord Culpepper's first Assembly, reciting "that all courts in this country are many times hindered

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1687. and troubled in their judicial proceedings by the impertinent discourses of many busy and ignorant men, who will pretend to assist their friend in his business, and to clear the matter more plainly to the court, although never desired nor requested thereunto by the person whom they pretend to assist, and many times to the destruction of his cause, and the great trouble and hinderance of the court," had, for prevention of these evils, prohibited any person to appear in any court as attorney without first obtaining a license from the governor. This act, being found "inconvenient," was repealed by the next Assembly. But the repealing act was itself repealed by royal proclamation, whereupon Effingham claimed that the first act revived, and would allow no attorneys to practice without his license.

The planters of Virginia were not a little alarmed at an excise duty imposed in England on tobacco—the commencement of a system, since carried so far in that country. They attempted to retaliate by acts for the encouragement of domestic manufactures. But these acts were disallowed by the king in council, as hostile to English interests.

The increase of discontents in the colony was evinced not only by many prosecutions for seditious words, but

1688. in the conduct of a new Assembly, presently called, of
April. whose clerk, conformably to his recent orders, Effingham assumed the appointment. That Assembly was soon dissolved without passing any acts, and Effingham proceeded to England, followed by Philip Ludwell, sent by the Assembly to complain of his conduct. Upon Effingham's departure, Nathaniel Bacon, president of the council, succeeded to the temporary administration.

1662. For some years after young Calvert's accession as governor, things in Maryland went on happily. Some

misunderstandings had occurred with the Indians, but they were quieted without much difficulty. Meanwhile the settlements gradually extended. New Netherland having been taken possession of by the English, Lord Baltimore claimed, under his charter, to carry his jurisdiction to the shores of the Delaware; but he found the Duke of York's officers no less obstinate upon that point than their Dutch predecessors. The navigation act having cut off the revenue formerly derived from the impost on tobacco exported in Dutch vessels, to supply this deficiency, the example of Virginia was presently imitated, by the imposition of two shillings per hogshead upon all tobacco exported, one half toward the colonial expenses, and the other half as a personal revenue to the proprietary, who agreed, on his part, to accept his quit-rents and all fines due on the transfer of estates in tobacco at twopence per pound—a price somewhat beyond the current rates. In Maryland as in Virginia, tobacco constituted the only staple, and both provinces felt alike the inconvenience of over-production. Yet the Maryland planters, not content with white servants, were anxious to stock their plantations with slaves. An act was passed, and subsequently renewed, for encouraging the importation of negroes, which had almost ceased since the cessation of trade with the Dutch.

Prudence, caution, and moderation had made Lord Baltimore by far the most successful of all those adventurers who had attempted proprietary colonies in America. In return for his heavy outlays, he began, in his old age, to receive a considerable income, including fines, quit-rents, the tonnage duty, and half the export duty. At his death the province had ten counties, five on either shore of the Chesapeake, with perhaps sixteen thousand inhabitants, of whom far the larger part were Protest-

CHAPTER XV. ants. No considerable number of Catholic immigrants appears to have arrived subsequently to the first migration.

1676. As one consequence of the system introduced by Lord Baltimore, and of the act of toleration still in force, Maryland had no religious establishment, and no division into parishes. There were three or four Episcopal clergymen, who lived on their own plantations, and received the voluntary contributions of those who attended their services; but they had no glebes, no parsonages, no tithes; and their discontent was plaintively expressed in a letter from one of their number to the Archbishop of Canterbury. "The priests are provided for; the Quakers take care of those who are speakers; but no care is taken to build up churches in the Protestant religion!" The colony is represented, in consequence, as a "Sodom of uncleanness and a pest-house of iniquity." The testimony of those who magnify the necessity for their own services is always to be received with some caution. There is no reason, in fact, to suppose that the morals of Maryland were at all worse than those of Virginia, though that latter colony did enjoy the advantage of a Church of England establishment.

1678. The new proprietary of Maryland, shortly after his father's death, leaving Thomas Notley as his deputy governor, went to England to look after his property there. Soon after his arrival, he was called to account, on the score of the ecclesiastical destitution of his province, by the Bishop of London, to whose diocese the oversight of the colonies was deemed a sort of appendage. The bishop was seconded by the king and his ministers, anxious to compound for lives of utter and notorious profligacy by professing a great devotion to the established religion. Lord Baltimore alleged the impossibility of any public ecclesiastical establishment in a province

of such various religious creeds; but this explanation was hardly deemed satisfactory. CHAPTER
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At the period of Baltimore's visit to England, that country was violently agitated by a struggle to exclude the Duke of York from succession to the throne, on the ground that he was a professed papist. This exclusion was zealously advocated by the representatives of the old Parliamentarians, who had begun again to act, under Shaftesbury's lead, as an organized party, and whom the popular delusion of the famous popish plot had greatly strengthened. On the other hand, the representatives of the old Royalists supported the claims of the duke, though they disavowed popery almost as strongly as their rivals. It was now that the party names of Whig and Tory first came into use. Whig, the Scotch for sour milk, and the appellation of the rebel Covenanters of the west of Scotland, was applied, by way of ridicule, to the enemies of the duke; while his friends, in their turn, were stigmatized as Tories, the name originally of certain wild bands of Irish popish robbers.

This great party struggle in England, coupled with the recent insurrectionary movements in Virginia under Bacon and others, was not without influence on the ultra-Protestants of Maryland. Headed by Fendal, the former governor, a man well experienced in civil commotions, they began to call in question the authority of a papal proprietor. Lord Baltimore hastened his return to the province, and was able to triumph over this old agitator. Fendal was arrested, tried, found guilty of sedition, and banished. 1681

Charles II., after a most violent struggle, triumphed also, by the help of the Tory, or High Church party, over the enemies of the Duke of York. Shaftesbury, their leader, found himself obliged to retire to Holland.

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1681. Anxious to establish his own Protestantism in the eyes of the nation—for it was very much doubted, and not without reason—the king sent orders to Lord Baltimore to allow none but Protestants to hold office in Maryland. But the proprietary did not see fit to comply with orders for which there was no warrant in the Maryland charter. He allowed, however, to his Protestant subjects, as, indeed, he always had done, what he considered their fair share of public trusts.

The attempt in Maryland to prevent the intermarriage of whites and blacks seems not to have proved very successful. The preamble to a new act on this subject recites that such matches were often brought about by the “instigation, procurement, or connivance of the master or mistress,” who thus availed themselves of the provisions of the former law to prolong the servitude of their female servants, and, at the same time, to raise up a new brood of slaves. To remedy this evil, all white female servants intermarrying with negro slaves were declared free at once, and their children also; but the minister celebrating the marriage, and the master or mistress promoting or conniving at it, were subjected to a fine of ten thousand pounds of tobacco. This law is said to have been passed by the procurement of Lord Baltimore, and for the special benefit of one Eleanor Butler, known as “Irish Nell,” who had returned with him from England, and had intermarried with a negro slave. But how bootless are laws for the protection of the ignorant and helpless! The children of this very Irish Nell were held as slaves; and when, near a century afterward, in 1770, her grandchildren sued for their liberty, the provincial court held that, although Nell’s children had all been born after the act was repealed, yet, as her marriage preceded that repeal,

her issue and their descendants remained subject to the penalties of the act, and were rightly held as slaves. (See *Butler v. Boardman*, 1 Harris and M'Henry's Maryland Reports, 371.) The great-grandchildren tried again in 1787 with better success, being all set free by the Court of Appeals (2 Harris and M'Henry, 214), on the ground that so heavy a penalty as the servitude of one's children could never attach except the facts on which it was founded had first been established in a court of record; and as no conviction, in the case of Irish Nell, of intermarriage with a negro could be produced, therefore her posterity were entitled to freedom.

Lord Baltimore, while governor during his father's life, and his deputies since, had acted as collector of the parliamentary intercolonial customs upon "enumerated articles." A new collector, appointed from England, was perhaps more strict than his predecessors. At all events, Baltimore soon quarreled with him, and complained to the king. But the collector was sustained in England, and Charles II. claimed of Lord Baltimore a considerable sum for alleged obstructions to his revenue. The collector, who was very obnoxious in the province, was presently killed in a quarrel with one of the counselors. His successor, four or five years after, died also a violent death. Neither Lord Baltimore nor the Maryland planters were at all zealous to assist in carrying the acts of trade into effect, or scrupulous about evading impositions which they considered oppressive and unjust.

The policy of Virginia was imitated by Maryland in the enactment of laws for establishing towns, all of which, however, proved failures, except one on the Severn, afterward called Annapolis, and subsequently the seat of government. Attempts were also made to encourage domestic manufactures, but they had little suc-

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cess, and were presently complained of by the jealous English merchants as interferences with their trade.

1685. The accession of James II., professed Catholic though he was, proved by no means so very favorable to the Catholic proprietor of Maryland. The Quaker Penn was much more in favor with that papist king. In the controversy between him and Lord Baltimore as to bounds, the proprietor of Maryland found himself obliged to relinquish, as we shall see in a subsequent chapter, half the peninsula between the Chesapeake and the Delaware, besides a wide strip along the northern limit of his province. Nor was even the charter of Maryland safe. It shared the common danger of other charters at that time, and, in spite of Lord Baltimore's remonstrances and entreaties, a writ of *Quo Warranto* issued against it. Baltimore hastened to England to defend his rights, but before a decision was arrived at the process was arrested by the dethronement of James.
- 1688.
- 1689.

END OF VOL. I.

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